

The Lawyers' Fund for Client Protection
of the State of New York

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**ANNUAL REPORT
OF THE
BOARD OF TRUSTEES
FOR
CALENDAR YEAR 2006**

Submitted to the
Judges of the Court of Appeals
and the
State Comptroller
pursuant to the provisions of

General Order of the Court of Appeals dated November 16, 1981

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Introduction

The Board of Trustees is pleased to present this annual accounting of the operations and activities of the Lawyers' Fund for Client Protection. This 24th Annual Report focuses on the 2006 calendar year.

In 2006, the Trustees approved 147 awards reimbursing a total of \$7.1 million to eligible law clients for losses caused by dishonest conduct of attorneys in New York State. In the Fund's 24 years of existence, the Trustees have now granted 6,163 awards totaling \$123 million.

Once again in 2006, as has been our experience for 24 years, a small handful of former lawyers are responsible for the dishonest conduct resulting in awards from the Lawyers' Fund. The client losses in 2006 were caused by 65 now suspended, disbarred or deceased lawyers, 35 of whom appear for the first time in 2006. Since 1982, the Fund's awards are attributable to substantially less than one-third of one percent of New York's 229,000 registered lawyers.

The overwhelming majority of New York's lawyers display the highest level of professionalism and are honest and caring and deserving of their clients' trust.

The Trustees are indeed grateful to New York's legal profession for the continued financial support and encouragement provided to the Fund and for the generous acts of public service lawyers in New York State perform in assisting claimants seek reimbursement.

The legal profession is unique in providing protection to its clients for financial losses due to dishonesty by a few of its members. In our State, law client protection continues to be meaningful and responsive to the needs of legal consumers. Claims are processed promptly, and nearly all eligible clients are fully reimbursed. The Lawyers' Fund is fortunate to operate as an independent public trust with a steady and reliable source of financing from lawyers in New York State.

The Trustees remain concerned though about the lawyer dishonesty and client losses that persist. Particularly troubling is the recent conviction of three New York State lawyers on federal charges of defrauding millions of dollars from thousands of their law firm's clients who sought legal representation for debt reduction. The Trustees anticipate that these victimized law clients will seek reimbursement from the Fund in the near future. These catastrophic losses will challenge the New York Fund's ability to be able to continue to serve as a model for effective law client protection in our Nation.

History and Purpose of Law Client Protection

Bar associations in New York State began law client reimbursement programs in the 1960's. Due to inadequate funding, these associations appealed to the Court of Appeals and the New York court system which embraced the responsibility for operating a statewide client reimbursement program.

The Lawyers' Fund, originally known as The Clients' Security Fund, was created by Chapter 714 of the Laws of 1981, effective June 1, 1981. The Fund is an independent public trust administered by a Board of Trustees appointed by the Court of Appeals.

The Fund's mission as set forth in section 468-b of the State Judiciary Law and the Trustees' Regulations is to maintain the integrity and protect the good name of the legal profession, protect law clients from dishonest conduct in the practice of law, and promote public confidence in the administration of justice in New York State.

The Trustees' primary focus is the reimbursement of losses caused by the dishonest conduct of attorneys who were admitted to the practice of law in New York State. Losses reimbursed by the Fund include the theft of estate and trust assets, escrow deposits in real property transactions, settlements in personal injury litigation, debt collection receipts, money embezzled in investment transactions within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise their legal services.

The Trustees also publish materials to educate lawyers and clients in an effort to prevent losses; engage in programs to assist lawyers in complying with their fiduciary and escrow obligations; and recommend court rules intended to improve our legal system and protect law clients.

Coming Soon - 25th Anniversary of the Lawyers' Fund

The Lawyers' Fund began operations on April 1, 1982. The Trustees will therefore celebrate the 25th Anniversary of the Fund in 2007. Next year's Annual Report will review the Fund's development and progress in 25 years of service to the public and the legal profession. The Trustees welcome any comments the reader may wish to make concerning experiences with the Fund, the legal profession, and the importance and value of law client protection. Comments may be directed to the Lawyers' Fund, 119 Washington Avenue, Albany, New York, 12210, or by e-mail addressed to info@nylawfund.org

"I don't know of any other organization that is willing to stand up and take responsibility for the wrong doings and illegal actions of another member of that profession. I find this admirable and would like to extend my thanks to all 229,000 members of New York State's legal profession who make this Fund possible. It is comforting to see there are lawyers who take extra time and effort to uphold the ethical standards of their profession..."

Message from a Claimant 2006.

Special Recognition

THE BOARD OF TRUSTEES OF THE LAWYERS' FUND PROUDLY RECOGNIZES THE GENEROUS ACT OF PUBLIC SERVICE DISPLAYED BY THE ATTORNEYS LISTED BELOW WHO HAVE ASSISTED CLAIMANTS IN RECEIVING AWARDS OF REIMBURSEMENT IN 2006:

BRONX COUNTY

Samuel M. Braverman, Esq.
Kevin Watson, Esq.

CAYUGA COUNTY

Earle E. Thurston, Esq.

DUTCHESS COUNTY

Carl S. Wolfson, Esq.

KINGS COUNTY

William Carman, Jr., Esq.
Joseph R. Costello, Esq.
Dwight M. Gonzales, Esq.
Paul V. Nuccio, Esq.

NIAGARA COUNTY

Jill M. Plavetzki, Esq.
John S. Sansone, Esq.
Jon L. Wilson, Esq.

OSWEGO COUNTY

Salvatore F. Lanza, Esq.

TOMPKINS COUNTY

Mark J. Solomon, Esq.

WAYNE COUNTY

Richard L. DeValk, Esq.

NASSAU COUNTY

Kenneth L. Apple, Esq.
Chaim S. Berkowitz, Esq.
Jerald J. DeSocio, Esq.
Richard Feinsilver, Esq.
David W. Graber, Esq.
Michael A. Levy, Esq.
David Shapiro, Esq.
Donna M. Stefans, Esq.
Louis S. Sroka, Esq.
David Ullman, Esq.
Jack Weinstein, Esq.

QUEENS COUNTY

Elie Aryeh, Esq.
Heidi J. Heinle, Esq.
Jin H. Kim, Esq.
Robert B. Taylor, Esq.
Robert Wisnicki, Esq.
Stephen S. Weintraub, Esq.

NEW YORK COUNTY

Alfonse DiCicco, Esq.
Michael J. Doyle, Esq.
Mark Heinze, Esq.
Alan A. Heller, Esq.
Michael A. Pekofsky, Esq.
Donald Pekofsky, Esq.
Farhid Sedghat-Pour, Esq.
Vangeles Skartsiaris, Esq.
Peter R. Sullivan, Esq.
Malcolm S. Taub, Esq.
William K. Wolf, Esq.
Robert W. Wong, Esq.

SUFFOLK COUNTY

Joshua P. Blumberg, Esq.
Barbara Nieroda, Esq.
Elliott M. Portman, Esq.
Lawrence J. Schwartz, Esq.

WESTCHESTER COUNTY

Ronald Bianchi, Esq.
Dominick Sorrentino, Esq.

“The Lawyers’ Fund program is a blessing to anyone that encounters similar problems and I will be forever grateful to you, the Fund and our lawyer for guiding me through the process.”

**Message from a Claimant
2005.**



In Memoriam

Theodore D. Hoffmann, Esq.



The Trustees, and the Lawyers' Fund, lost a cherished friend and colleague in 2006. On February 3, former Trustee Theodore D. Hoffmann passed away at the age of 86. "Ted" served as a Trustee and the Fund's Vice-Chairman from 1990 to 2002. An attorney for 56 years, Ted was a former president of the Nassau County Bar Association and a proud World War II veteran and recipient of the Distinguished Flying Cross for service as an Air Force Pilot. The Fund was fortunate to have Ted's wise counsel and compassion for client protection during his 12 years of dedicated public service.

The Board of Trustees

The Court of Appeals appoints a Board of Trustees to administer the Lawyers' Fund. The Trustees serve renewable three-year terms as a public service. They are not compensated for their services. Since December 1, 1981, the Board has been composed of five members of the bar and two business and community leaders.

The Fund's officers, elected by the Trustees, consist of a Chairman, Vice-Chairman and a Treasurer. The Fund's Executive Director serves as the Fund's Chief Administrative Officer and the Board's Secretary and Counsel.



Eleanor Breitel Alter of Manhattan has served as Chairman of the Board of Trustees since 1985. She is a partner in the Manhattan law firm of Kasowitz, Benson, Torres & Friedman. Mrs. Alter is a graduate of the University of Michigan and the Columbia University Law School (1964). She was first appointed to the Board of Trustees in 1983. The Chairman's current term expires on November 30, 2007.



Bernard F. Ashe of Delmar, Albany County, is Vice-Chairman of the Board. Mr. Ashe is a former General Counsel to New York State United Teachers. He is a graduate of Howard University and the Howard University School of Law (1961). Mr. Ashe is a charter member of the Board. His current term expires on November 19, 2008.



Nancy Burner of Suffolk County, the founding partner of Burner, Cherches & Smith, an estate planning, trusts and estates, and elder law firm in Setauket and Westhampton Beach. She is a graduate of the State University at Stony Brook and Hofstra University School of Law (1988). Her present term expires on December 10, 2008.



Charlotte G. Holstein of Syracuse is a civic leader, founder and Executive Director of F.O.C.U.S. Greater Syracuse, a community interest group. She is a graduate of Brockport State University (1946) and the 1998 recipient of an honorary degree, Doctor of Humane Letters, from LeMoyne College in Syracuse. Her present term expires on November 30, 2007.



Charles Joseph Hynes of Brooklyn is the District Attorney of Kings County. He is a graduate of St. John's University and its School of Law (1961). Mr. Hynes was first appointed to the Board of Trustees in 1982. His present term expires on November 30, 2009.



Theresa B. Mazzullo of Rochester, Monroe County, is the CEO of Excell Partners, Incorporated, a state supported seed capital fund. Mrs. Mazzullo, the Fund's Treasurer, is a graduate of Spring Hill College and Stonier Graduate School of Banking (1994). Her present term expires on December 10, 2008.



Eric A. Seiff of the Bronx is a partner in the Manhattan law firm of Seiff, Kretz & Abercrombie. Mr. Seiff is a graduate of Yale University and the Columbia University Law School (1958). Mr. Seiff is also a charter member of the Board. His present term expires on November 30, 2009.

Former members of the Board of Trustees include the Hon. Judith S. Kaye, Chief Judge of the State of New York (1981-1983); Joseph Kelner, Esq. of Manhattan (1981-1982); Anthony R. Palermo, Esq. of Rochester (1981-1990); John F. X. Mannon of Syracuse (1981-1992); Ray W. Manuszewski of Cheektowaga (1981-2002); Theodore D. Hoffmann of Hicksville (1990 to 2002); and Shirley B. Waters of Rome (1992 to 2001).

The Staff of the Lawyers' Fund

The Fund's staff is appointed by the Board of Trustees. In 2006, the staff consisted of Timothy J. O'Sullivan, Executive Director and Counsel; Michael J. Knight, Deputy Counsel; Ray Wood, Investigator; Sue Gartley, Administrative Secretary; and Secretaries Janel Hall-Worthen and Harriett Tremblay.



Timothy J. O'Sullivan



Michael J. Knight



Ray Wood



Sue Gartley



Janel Hall-Worthen



Harriett Tremblay

In 2006, Sue Gartley retired after 21 years as the Fund's Administrative Secretary. The Trustees wish to publicly acknowledge their gratitude to Mrs. Gartley for her dedicated service and extend their best wishes to her for her retirement.

The Fund's Statutory Authority and the Trustees' Regulations

Section 97-t of the State Finance Law provides for the establishment of the Fund and for the management of its assets as a special revenue fund by the State Comptroller.

Section 468-b of the Judiciary Law governs the administration of the Fund. This statute provides the Trustees with full authority to administer the Fund, subject to the general supervisory authority of the Court of Appeals.

The Trustees' Regulations for administration and claims procedures are published in Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York (22 NYCRR Part 7200, et seq.).

The Appendix includes section 97-t of the State Finance Law, section 468-b of the Judiciary Law and the Trustees' Regulations.

Liaison and Coordination with the Appellate Divisions

The four Appellate Divisions of the Supreme Court have each designated an Associate Justice to serve as a liaison with the Fund. In 2006, the Liaison Justices were Justices Milton L. Williams of the First Department; David S. Ritter of the Second Department; Anthony J. Carpinello of the Third Department; and Henry J. Scudder of the Fourth Department.

The Trustees do not render final determinations in claims until Appellate Division disciplinary proceedings involving the accused attorney are completed. The Fund's investigations of claims are therefore coordinated with those of the Attorney Grievance Committees in the four judicial departments.

Revenue, Awards and Disbursements

The total revenue received by the Fund since 1982 is \$138.7 million. As of December 31, 2006, a total of \$123 million in reimbursement awards were approved by the Trustees. The Fund's administration cost in 2006 was \$720,000. In 24 years of operations, 91 cents out of every \$1 in revenue received has been directly applied towards the payment of awards of reimbursement. At the close of 2006, the Fund held \$7.0 million in revenue in the state treasury.

Restitution Revenue and Litigation

A total of \$10.9 million in restitution has been recovered by the Fund since 1982. This restitution was secured from dishonest attorneys, their estates, and third parties civilly liable for losses reimbursed by the Fund.

The New York State Attorney General's Office represents the Lawyers' Fund in restitution and other litigation in collaboration with the Fund's legal staff. Since December 1999, the Fund has financed the payroll expense of an Assistant Attorney General assigned exclusively to the Fund's restitution litigation.

In 2006, the Trustees were fortunate to have Assistant Attorney General Richard L. Rodgers serve as the Fund's restitution counsel. The Trustees wish to commend Assistant Attorney General Rodgers for his excellent representation of the Lawyers' Fund.

The Fund was also assisted in 2006 in restitution litigation by Assistant Attorneys General Nancy Lord, Norman Figel, Stephen M. Nagle and Timothy Noffsinger. The Fund was defended in

Article 78 proceedings by Assistant Attorneys General Constantine A. Speres and Charles F. Sanders and Assistant Solicitor General David Lawrence, III. The Trustees are grateful to these dedicated professionals for their advocacy skills.

Public Information and Consumer Education

Responsible public information efforts promote public confidence in the integrity of the legal profession and the administration of justice in New York State. The Trustees therefore encourage public information about the Fund.

Educational publications by the Fund for legal consumers and members of the bar have included editions of *A Practical Guide to Attorney Trust Accounts and Record Keeping*, as well as *Know Your Escrow Rights*; *Know Your Escrow Rights: The Lawyers' Edition*; *Attorney Trust Accounts: The Video*; *What's A Power of Attorney? Answers for New Yorkers*; *Avoiding Grief With A Lawyer: A Practical Guide*; and an *Appendix of CLE Materials*.

The Lawyers' Fund's web site is a source of information on the Fund which includes frequently asked questions, its procedures, the Trustees' Regulations, reimbursement claim forms, recent Annual Reports, consumer publications and press releases, addresses and telephone numbers of Attorney Grievance Committees, and a roster of the nation's Funds. The site can be located at www.nylawfund.org.

Processing Applications for Reimbursement

To be considered for reimbursement, a law client must file with the Fund a completed application form with documentation supporting the alleged loss. The Executive Director will dismiss a claim with a written explanation if an alleged loss does not appear to qualify for reimbursement.

Claimants alleging a misappropriation of money or property in the practice of law must report their losses to the appropriate Attorney Grievance Committee and District Attorney and cooperate with these agencies in their investigations. Notice of a claim, and the opportunity to respond, is provided to lawyers accused of dishonest conduct.

A claimant with the Fund does not have to be represented by counsel. Claimants may wish to consult with a lawyer concerning problems or other issues raised by their loss. As a public service, lawyers in New York State generously assist claimants with the Fund. Nearly half of all claimants have attorneys assist them in their applications, without legal fee. Lawyers are prohibited by court rules and the Trustees' Regulations from charging or accepting legal fees for assisting claimants, except with the prior approval of the Board of Trustees. (See, 22 NYCRR 603.24, 691.24, 806.16, 1022.35 and 22 NYCRR 7200.14).

Section 468-b of the Judiciary Law provides the Trustees with sole discretion to determine the merits of claims, set the amount of an award of reimbursement, and the terms and conditions for awards. The Trustees await the completion of disciplinary proceedings, and related criminal proceedings if necessary, against the accused attorney before rendering a determination.

Judicial Review of Rejected Claims

In 24 years, 13,172 determinations have been rendered in claims to the Fund. There have been 6,163 reimbursement awards approved. The remaining 7,009 claims were determined to be ineligible for failure to provide satisfactory evidence of eligible losses.

Since 1982, only eleven claimants denied reimbursement have pursued Article 78 proceedings against the Fund. Eight of these judicial challenges were dismissed after the courts held that there was a rational basis for the Trustees' denials in the claims. Two Article 78 proceedings involving three claimants remained pending at the close of 2006.

Thefts in Real Property Transactions

Real estate escrow losses account for the largest single category of awards from the Fund in both the amount of reimbursement provided and in the number of awards approved.

Since 1982, thirty-six percent of all money awarded by the Fund has reimbursed the theft of real estate escrows. The Trustees have paid out a total of \$44.8 million in granting 1,798 awards involving real property losses. These 1,798 awards represent twenty-nine percent of all awards from the Fund in 24 years.

In 2006, real estate awards accounted for 62 of the 147 awards (42%). While substantial, this is a decrease from 2005 when realty awards comprised 116 of the 227 total awards (51%). Realty awards in 2006 accounted for \$2.9 million of the total payout of \$7.1 million, or 41 percent of all money reimbursed in 2006. In 2005, realty awards comprised \$5.2 million of the total \$8.1 million reimbursed, or 65 percent of all amount awarded.

A lawyer's theft of a purchaser's down payment in the sale of residential property continues to constitute the large majority of these real estate losses.

Losses in Investment Transactions

In establishing the Fund, the State Legislature made clear that reimbursement was intended for losses arising within an attorney-client relationship and the practice of law. Section 468-b of the Judiciary Law defines "dishonest conduct" as the misappropriation or wilful misapplication of **clients'** (emphasis supplied) money, securities, or other property by an attorney. Therefore, losses caused by a lawyer's breach of fiduciary obligations outside an attorney-client relationship and the practice of law are not eligible for reimbursement.

The Trustees carefully review claims involving investment transactions with lawyers. The following policy guidelines have been adopted in order to fully explain the eligibility of claims involving these types of losses:

"The Trustees will consider for payment only those claims arising out of an attorney-client relationship. Investment advice given by the claimant's attorney, although such advice may result in the loss of claimant's money, is not, in and of itself, a ground for seeking reimbursement from the Fund.

Claims arising out of investments may be considered for payment, however, when the attorney is in the possession of the claimant's money, which the attorney has obtained by virtue of an attorney-client relationship with the claimant, when the attorney advises the claimant to invest the money in a business or other venture, and the attorney then misappropriates the claimant's money.

Ordinarily, interest on investments will not be reimbursed. Unless a claimant establishes otherwise, all payments received on an investment will be considered to be return of principal and will be deducted from the claimant's initial investment with the attorney in order to determine, for Fund purposes, the claimant's reimbursable loss."

The Trustees also apply a "but for" test in evaluating claims alleging investment losses. Under this test, a loss is eligible if the Board finds that the loss would not have occurred "but for" dishonest conduct within an attorney-client relationship.

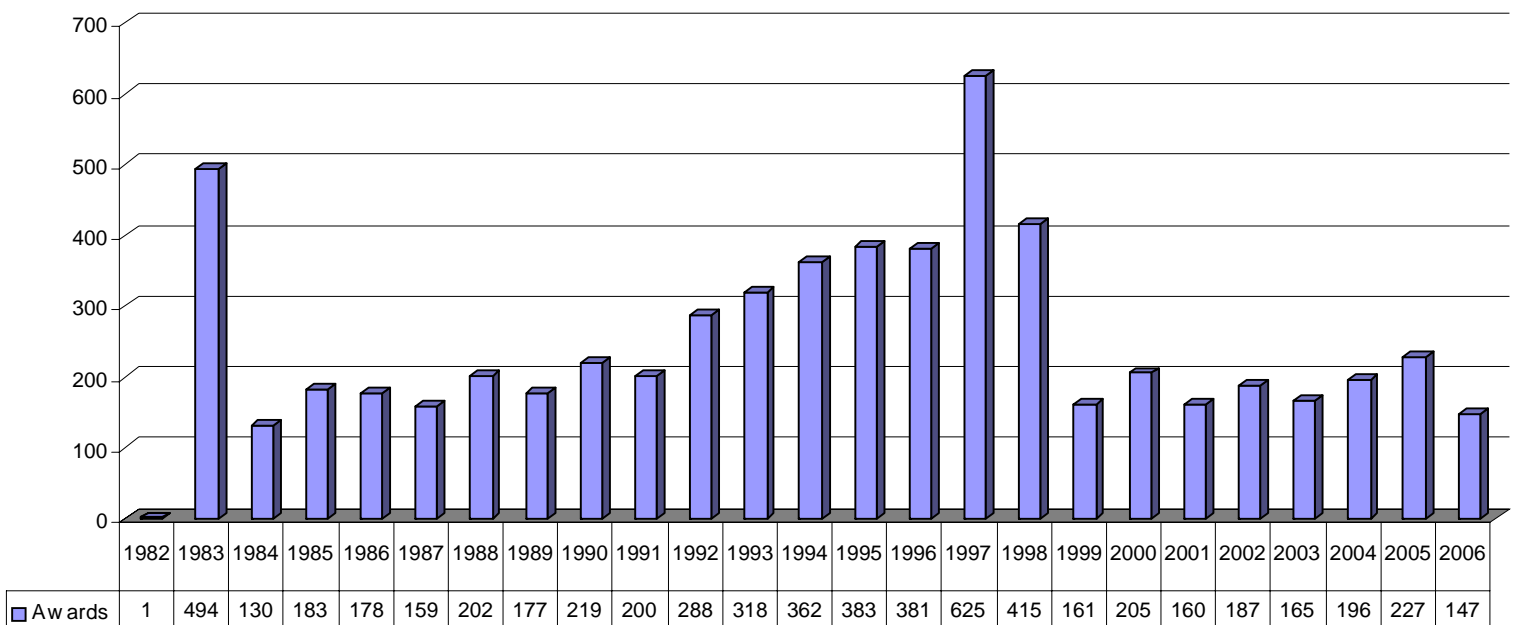
Since 1982, 1,287 claims have been filed with the Fund alleging \$135.9 million in losses from investment transactions with lawyers. The Trustees approved awards in only 342 of these claims providing total reimbursement of \$16.8 million.

Legal Fee Claims

Since 1982, thirty-four percent of all filed claims have sought reimbursement of legal fees. This is the largest category of claims filed with the Fund.

The Fund has no authority to settle fee disputes, or to compensate for alleged negligence, malpractice, or dissatisfaction with legal services. To qualify for a refund of a legal fee, a claimant must provide satisfactory evidence of dishonest conduct. Section 7200.8(e)(1) of the Trustees' Regulations provides that dishonest conduct in legal fee claims includes an attorney's misrepresentation, or false promise, to provide legal services in exchange for an advance fee.

Number of Awards Approved, 1982-2006
Total Awards Approved: 6,163



Theft of Personal Injury Settlements and Payee Notification

In a theft of a personal injury settlement by forgery, a dishonest lawyer may settle a client's action without authority by forging the client's signature on a general release. A settlement draft is then issued payable jointly to the law client and attorney without notice of payment to the law client. The client's endorsement is then forged and the settlement proceeds converted.

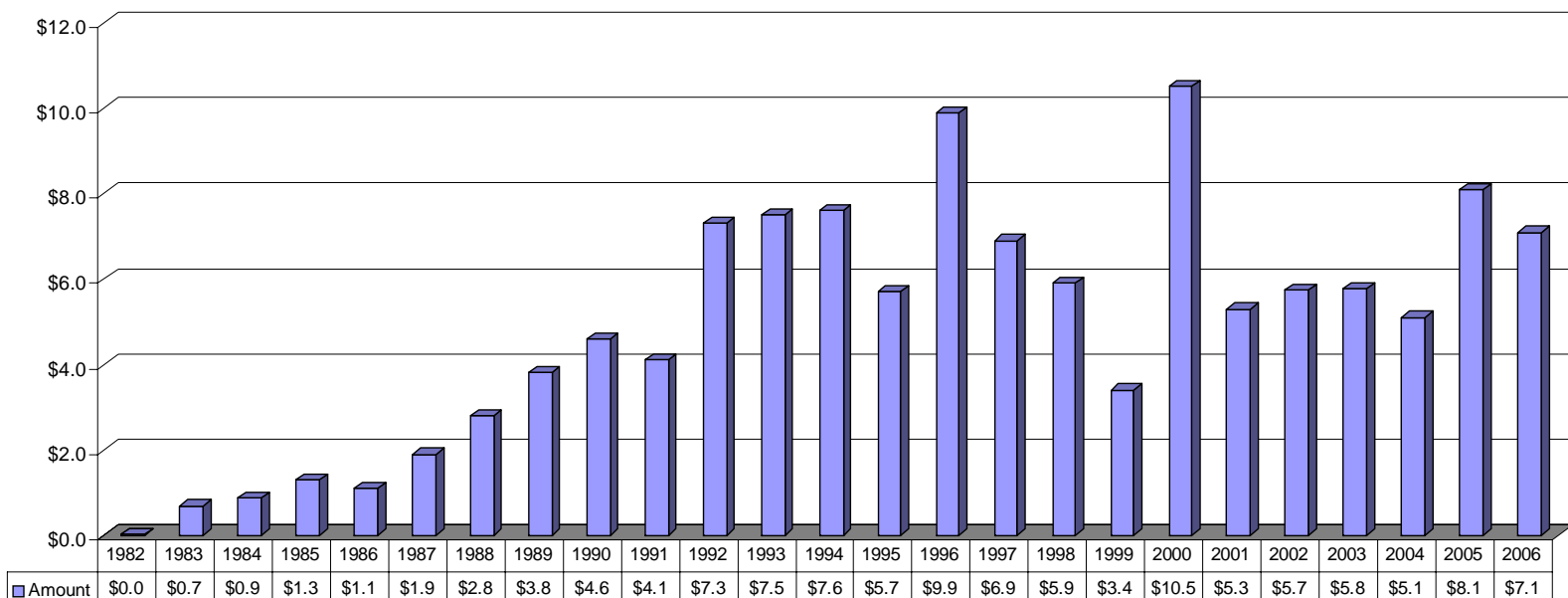
To detect and prevent these losses, the Trustees recommended in 1998 the adoption of a payee notification rule. This led to the Insurance Department "Regulation 64" notice which requires liability insurers and their agents to provide law clients with written notice of payment whenever a third-party liability claim is settled for \$5,000 or more. (11 NYCRR 216.9). Regulation 64 detects and prevents losses involving the forgery and theft of personal injury settlements. This client protection measure also shifts the liability for forgery losses to banks that improperly honor forged endorsements on negotiable instruments.

New York's Regulation 64 has been approved as a Model Rule for attorney disciplinary systems by the American Bar Association. Variations of this payee notice rule have now been adopted in the following other eleven states: California, Connecticut, Delaware, Hawaii, Georgia, Kansas, Maryland, Nebraska, New Jersey, Pennsylvania and Rhode Island. This client protection device is under study in several other states.

"On behalf of my mother and myself, we would like to express our gratitude and sincerest appreciation in the recovery of our funds. Many thanks again for the incredible work done by your office."

Message from a Claimant, 2006.

Amount of Awards Approved 1982-2006 (In Millions \$) Total Awards: \$123 Million



The Dishonored Check Reporting Rule

The possible misuse of law client money is clearly indicated by a dishonored check drawn upon a lawyer's escrow account.

To protect law clients, the Trustees recommended that a form of the ABA's model overdraft reporting rule be implemented by court rule in New York State. The Appellate Divisions then enacted court rules effective January 1, 1993 which instituted a Dishonored Check Reporting Rule in New York.

The "Bounced Check Rule" (22 NYCRR 1200.46(b)(1), (2); Part 1300) requires that a lawyer in possession of funds belonging to another person incident to the lawyer's practice of law must maintain such funds in a special account separate from the lawyer's business, personal or other accounts. These separate fiduciary accounts must be designated as an "Attorney Special Account", "Attorney Trust Account", or an "Attorney Escrow Account". Lawyers may only use banks which have agreed to report dishonored checks on these accounts. Nearly all banking institutions in New York State participate in this reporting rule.

The Lawyers' Fund serves as a clearinghouse under the Bounced Check Rule. A dishonored check notice on a reportable account is mailed to the Fund's office. If not withdrawn due to bank error, the Fund later forwards the notice to the appropriate attorney disciplinary committee for investigation. The majority of bounced check notices result from innocent mistakes in law office banking practices. In these cases, the rule has served an educational role by alerting lawyers to the accounting, banking and recordkeeping requirements of the Lawyer's Code of Professional Responsibility.

The Dishonored Check Reporting Rule is an effective loss prevention and detection device. Since 1993, bounced check reports have identified and led to the discipline of approximately 145 lawyers for misusing client funds.

Escrow Funds of Deceased Lawyers and Missing Clients

Disciplinary Rule 9-102 (e) of the Lawyer's Code of Professional Responsibility provides that only an attorney admitted to practice law in New York State shall be an authorized signatory on an attorney's trust, escrow or special account. The limitation is intended to protect law clients from the misuse of their money. Practical problems arise when a sole practitioner dies without a successor signatory.

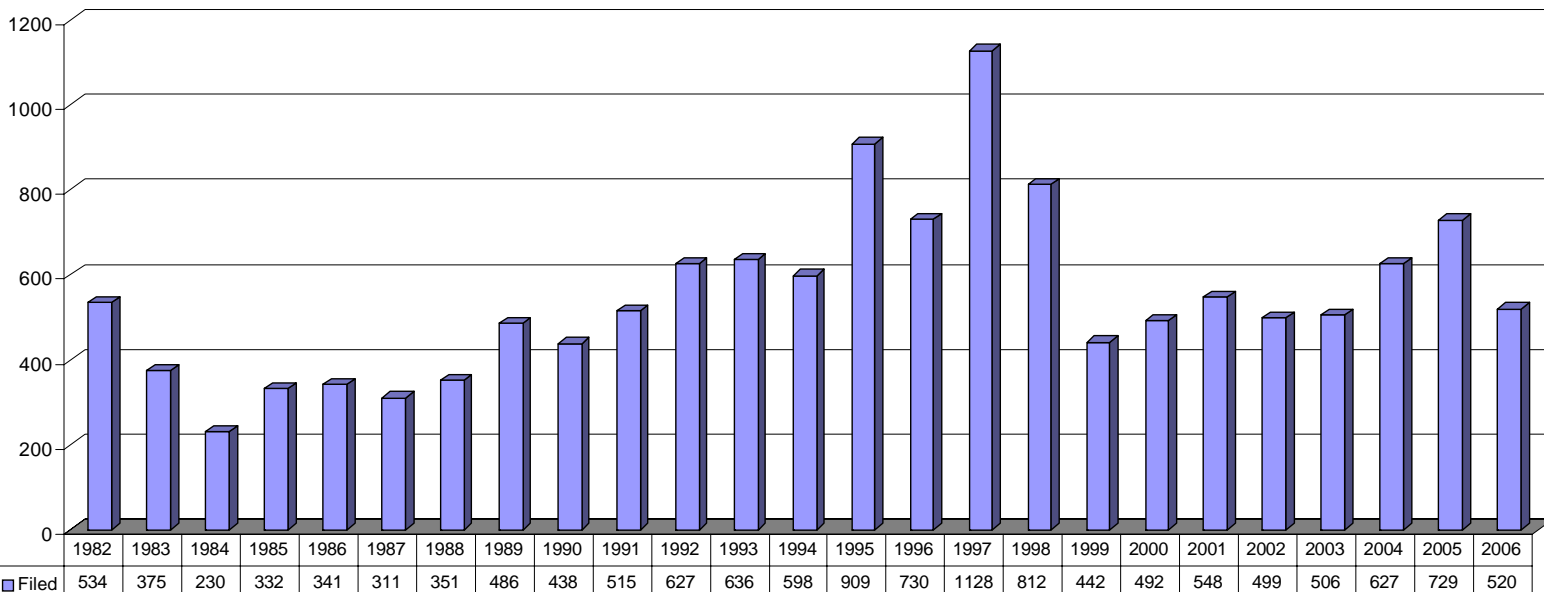
In 1994, at the Trustees' suggestion, the Appellate Divisions amended court rules by adding Disciplinary Rule 9-102 (g) which permits a Justice of the Supreme Court to designate a successor signatory for a deceased attorney's trust, escrow or special account. A Court may now direct that money from a deceased attorney's client funds account be disbursed to persons who are entitled thereto, or deposited with the Lawyers' Fund for safeguarding.

The Trustees also recommended the addition of court rules to address law client escrow funds which were unclaimed or owed to missing clients. Disciplinary Rule 9-102 (f) was thus amended to prevent the escheat of these funds to the State as abandoned property. This court rule provides that if escrow funds are unclaimed or owed to a missing client, an application can be made for a court order directing that the money be deposited with the Lawyers' Fund for safeguarding and disbursement to persons entitled thereto. The Fund's policy is to accept deposits of \$1,000 or less without court order in order to prevent the depletion of nominal deposits. The Fund's staff attempts to locate these clients to return deposits. As of December 31, 2006, a total of 1,123 deposits totaling \$2.0 million were received by the Fund. Staff successfully located 101 missing clients and returned to them \$259,421.

"Thank you so much for your prompt care...It was good to know that there is a Fund for clients like me."

Message from a Claimant 2006

Number of Claims Filed 1982-2006 Total Filed: 13,716



Claims Filed and Processed

Claims Filed, 1982 to 2006

Since 1982, 13,716 claims have been filed with the Lawyers' Fund alleging \$455 million in total losses. Annual filings have ranged from a low of 230 in 1984 to a record high of 1,128 in 1997.

Claims Filed by Category of Loss, 1982 to 2006

Claims to the Lawyers' Fund are classified into the following eight categories: (1) trusts and estates; (2) real property escrow funds; (3) debt collection proceeds; (4) settlements in litigation; (5) other escrow transactions; (6) unearned legal fees; (7) investment transactions with lawyers; and (8) a miscellaneous category of "other" for other claims.

By category, the largest number of claims seek reimbursement of legal fees. Since 1982, 4,721 claims have been filed alleging unearned legal fees. Legal fee claims account for 34 percent of all filed claims. The second largest category of filed claims alleges losses in real property transactions. The Fund has received 2,889 claims in this category comprising approximately 21 percent of all filed claims.

Since 1982, the largest alleged dollar losses in filed claims were in claims alleging losses from investment transactions with lawyers. Investment claims alleged losses of \$135.9 million or 29 percent of all alleged losses in filed claims. Real property claims were second with alleged losses of \$109 million constituting 24 percent of all reported losses. The third largest category of alleged losses involve alleged thefts from estates and trusts. These claims have alleged \$83.7 million in losses or 18 percent of all alleged losses.

Claims Filed in 2006

In 2006, there was a decrease in filed claims and in alleged losses in those claims. There were 520 claims filed, a 29 percent decrease from filed claims in 2005. The 520 filed claims alleged \$18.5 million in losses, a 15 percent decrease in alleged losses from the previous year.

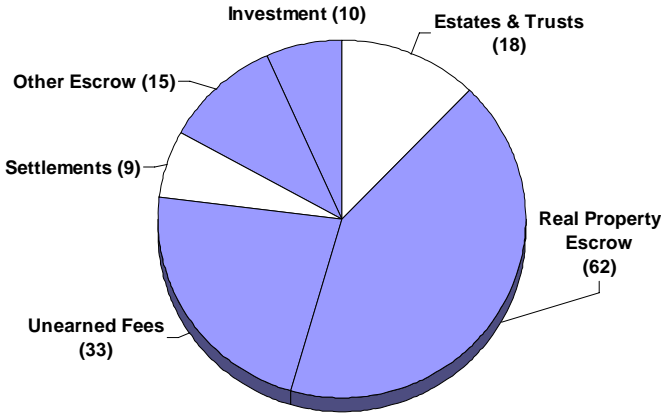
The largest category of claims filed in 2006 sought reimbursement of real property escrow losses. Of the 520 filed claims, 139, or 26 percent, involved real property escrow claims. This same category of claim also alleged the largest losses. Real property claims alleged \$8.2 million in losses followed by estate and trust losses at \$3.4 million.

Awards of Reimbursement in 2006

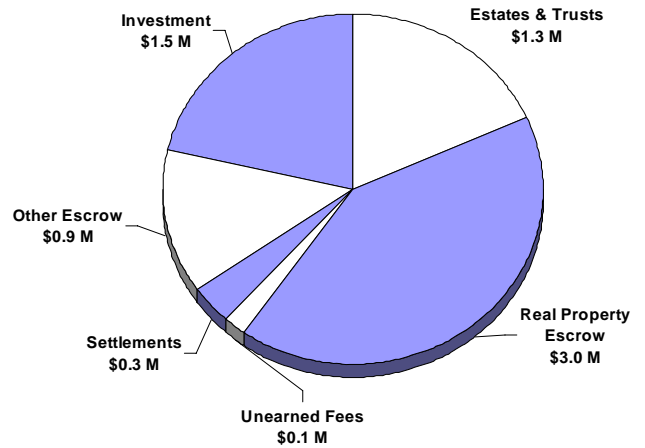
In 2006, the Trustees approved 147 awards. This is a decrease of 80 awards, or 35 percent, from the 227 awards granted in 2005. The awards in 2006 provided total reimbursement of \$7.1 million. This total payout is a 12 percent decrease from the \$8.1 million paid the year before. All but one claimant in 2006 received 100 percent reimbursement for their eligible loss.

The awards in 2006 ranged between \$300 and \$300,000. The median client loss, and award, was \$13,000, up from \$10,000 in 2005.

**Number of Awards Approved in 2006
by Category of Loss : 147 Awards**



**Amount of 2006 Awards
By Misconduct : \$7.1 Million**



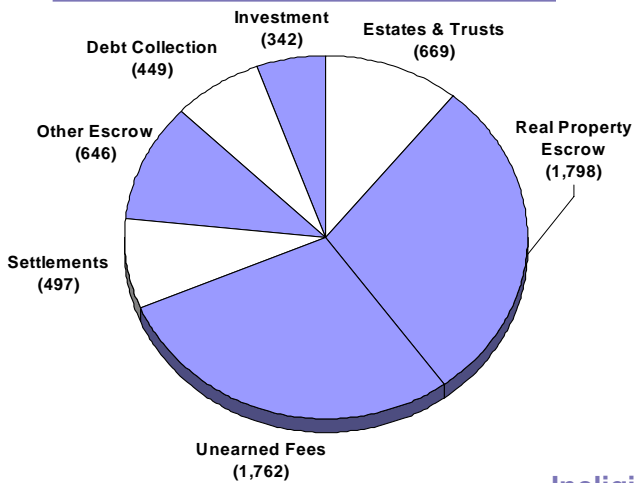
Awards of Reimbursement, 1982 to 2006

Since 1982, the Trustees have granted 6,163 awards reimbursing \$123 million to eligible law clients. On average, since 1982, 92 percent of all eligible claimants have received full restitution. Since 1997, 98 percent of eligible claimants were fully reimbursed.

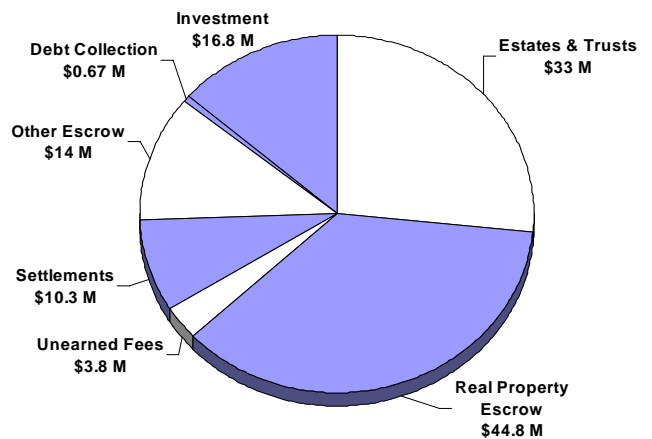
By category since 1982, the largest number of awards approved are for real property escrows. Real property escrow awards total 1,798, or 29 percent of all awards. The second largest category of awards reimbursed are unearned legal fees. Since 1982, there have been 1,762 legal fee awards comprising 28 percent of all awards.

Since 1982, by dollar amount, awards reimbursing real property losses represent the largest payout by the Fund. Real property awards total \$44.8 million, or 36 percent of all reimbursement awards. The second largest dollar amount of awards involve thefts from estates and trusts. These awards total \$33.1 million or 27 percent of all awards.

**Number of Awards Approved Since 1982
by Category of Loss : 6,163 Awards**



**Amount of Awards Since 1982
By Misconduct : \$123.4 Million**



Ineligible Claims Since 1982

In 24 years, the Fund has rendered 13,172 determinations in claims. Of these 13,172 claims, 7,009, or 53 percent, were found to be ineligible for reimbursement.

Claims Pending as of December 31, 2006

There were 604 pending claims at the close of 2006. This is an increase of 89 claims, or 17 percent, from the 515 claims pending on December 31, 2005. Of the 604 pending claims, 356, nearly 60 percent, involve one law firm whose attorneys are the subject of ongoing criminal proceedings.

These 604 pending claims allege total losses of \$17.7 million. The Fund's exposure on these pending claims, adjusted for the \$300,000 maximum limit on awards, is \$14.7 million. This represents a 6 percent increase in the Fund's exposure on pending claims from the end of 2005.

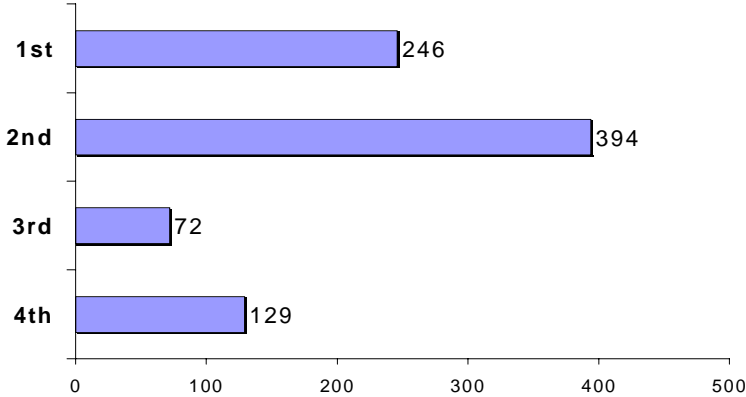
Lawyers Involved in Awards, 1982 to 2006 and in 2006

Less than one-half of one percent of the bar's membership is responsible for the misconduct resulting in the Fund's awards. In 24 years, only 841 former lawyers have caused the 6,163 awards granted by the Fund. In 2006, the Trustees' 147 awards were attributable to dishonest conduct by 65 now suspended, disbarred or deceased lawyers. Of these 65 former lawyers, 30 were respondents in awards from prior years. The names of 35 dishonest lawyers appear for the first time in 2006 awards. A list of lawyers involved in awards is provided in the Appendix.

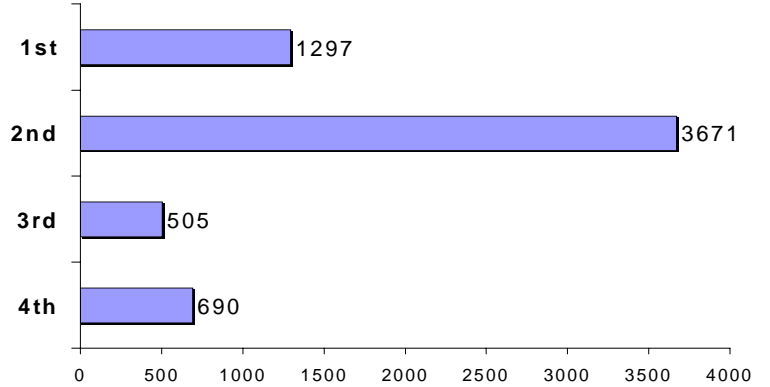
Most losses involve sole practitioners, the majority of which are male and middle-aged. The apparent causes of misconduct by these lawyers are often traced to alcohol or drug abuse and gambling. Other causes are economic pressures, mental illness, marital, professional and medical problems.

The geographic distribution of these 841 former lawyers, and the Fund's 6,163 awards, among the state's judicial departments is represented in the following bar graphs:

Lawyers Involved in All Awards Since 1982



Distribution of Awards Since 1982



First Judicial Department Includes:

New York and Bronx County



Second Judicial Department Includes:

Kings, Richmond, Queens, Nassau, Suffolk, Dutchess, Orange, Putnam Rockland and Westchester Counties:



Third Judicial Department Includes:

Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren and Washington Counties:



Fourth Judicial Department Includes:

Herkimer, Lewis, Oneida, Onondaga, Oswego, Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Niagara, Orleans and Wyoming Counties:



Recommendations

The Trustees annually recommend changes in legal practice and policy in order to fulfill their statutory responsibility to maintain the integrity of the legal profession and promote public confidence in the administration of justice.

Escrow Thefts in Real Property Transactions

We continue to urge bar leaders, and our judicial leaders to consider and adopt measures to address this continuing problem.

In 2006, 42 percent (62) of the Fund's 147 awards involved lawyers' thefts of real property escrows. Over the past ten years, the Fund has reimbursed nearly \$25 million for this category of loss. Since 1982, the Trustees have paid out \$45 million reimbursing real estate escrow thefts. This total constitutes 36 percent of the amount of all reimbursement from the Fund in 24 years. The most common realty loss involves the theft of a purchaser's down payment by the seller's attorney in a residential transaction.

These realty losses are caused by a tiny percentage of the members of the bar. In 2006, only 30 former lawyers were responsible for the thefts of real estate escrows reimbursed by the Fund. These few disgraced lawyers though cause substantial harm to law clients and the legal profession.

The Trustees continue to encourage the recent efforts by the New York State Bar Association and other local bar associations in studying this problem. The Trustees also appreciate the attention to this issue by the Nassau and Suffolk County District Attorneys.

Alcohol and Substance Abuse in the Legal Profession

The Trustees support the Lawyer Assistance Trust in its efforts to marshal statewide resources and raise awareness to the prevention and early treatment of alcohol and substance abuse among lawyers, judges and law students.

The Trustees encourage grant programs for substance abuse prevention projects and agree with the Trust's focus on the vital role law schools can play in identifying and preventing substance abuse.

The Trustees have witnessed the economic and emotional harm suffered by law clients of lawyers with alcohol and substance abuse problems. Over the Fund's 24 years, a large percentage of the Fund's awards have resulted from misconduct attributed to these addictions.

Thefts by Suspended, Disbarred and Bogus Lawyers

The Trustees recommend a court rule to require every lawyer to endorse his or her Attorney Registration Number on each pleading the lawyer files with a court or a court agency.

The unauthorized practice of law is a misdemeanor crime under New York's penal laws but is seldom prosecuted. Attorney disciplinary committees lack the resources to monitor suspended or disbarred lawyers. These shortcomings in law enforcement encourage the illegal practice of law and exploitation of the public.

The Office of Court Administration maintains an Official Register of Attorneys, which assigns to each lawyer a unique identification number. That simple endorsement will provide a cost-free and reliable opportunity for court clerks or court officials to verify the credentials of persons who represent themselves to be licensed to practice law in New York State.

The Trustees also support legislation to authorize the state attorney general to pursue criminal prosecutions for the unauthorized practice of law. This additional enforcement of the penal laws will serve to protect the public and deter the illegal practice of law.

Escrow Accounts of Suspended and Disbarred Lawyers

The Trustees recommend the enactment of clear and precise court rules directing a suspended or disbarred lawyer to transfer client funds and property, prohibiting further use of attorney escrow accounts and restraining escrow account funds in jeopardy.

Present court rules in New York make no specific provision for the transfer or protection of law client escrow funds and property in possession of members of the bar who are suspended or disbarred for professional misconduct. The Trustees are concerned that law client assets are not adequately safeguarded when it is clear that they may be in danger if left under the control of a lawyer who has lost his or her license to practice law for serious misconduct.

These measures will protect the interests of legal consumers. The Trustees also propose that court rules grant discretion to the Appellate Divisions to restrain attorney escrow accounts of lawyers who are determined to be a public threat.

Multijurisdictional Practice and *Pro Hac Vice* Rules

The Trustees recommend that any changes in court rules which permit out-of-state attorneys to practice law in New York State should also require that they contribute financially to our State's disciplinary system and the Lawyers' Fund.

Bar leaders in New York State are considering multijurisdictional practice of law and whether lawyers should be granted the privilege to practice in states where they are not admitted to the bar. The Trustees are concerned about the impact multijurisdictional practice of law will have on legal consumers, the Lawyers' Fund and our disciplinary system. It is only equitable that out-of-state attorneys authorized to practice law here share in the responsibilities all New York attorneys bear in our justice system.

Attorney Malpractice Insurance Disclosure

The Trustees propose that New York adopt this client protection measure.

The Lawyers' Fund is only authorized to reimburse law client losses caused by dishonest conduct in the practice of law. The Fund can not compensate for damages due to attorney malpractice. If law clients wish to be protected from this type of loss they should have access to information which would allow them to choose a lawyer who maintains malpractice insurance.

Twenty states now require some form of attorney malpractice insurance disclosure. One possible method is to require that attorneys disclose on their biennial registration statement whether they maintain professional liability coverage and the limits of their policy. Legal consumers can then access this information and make an informed choice when seeking legal representation.

Bar Examinations & Legal Education

The Trustees continue to recommend that candidates for the New York bar examination be tested for knowledge and competence with respect to a lawyer's fiduciary obligations to safeguard and account for law clients' money and property.

The necessary knowledge and skills to properly administer client trust funds as fiduciaries or escrow agents should be taught in law school and enhanced through the bar examination and New York's Continuing Legal Education program. The Trustees firmly believe that our system of legal education should prepare students and lawyers for this vital aspect of lawyering.

Recommendations

Disbarment for Conversion

The Trustees again recommend a consistent, firm statewide disciplinary policy imposing disbarment for a lawyer who injures clients by converting escrow funds. This clear, even-handed penalty will deliver a strong message to victims, the public and lawyers about the administration of justice in our State. The Trustees are grateful to the Appellate Divisions and their disciplinary staff for including orders of restitution in disbarment proceedings involving clear cases of lawyer theft. This important use of the provisions of the Judiciary Law has proven to be beneficial to victims and the Lawyers' Fund.

Bank Notices to Fiduciaries

The laws of New York should require that the named fiduciary for an estate or trust be provided with a copy of the estate's monthly bank statement.

The Trustees' experience in claims involving the theft of estate or trust assets has shown that these types of losses can be concealed when someone other than the fiduciary controls the bank account and receives the monthly bank statements. This simple step would discourage and detect thefts. Absent legislative action, the Trustees propose a court rule be adopted to prohibit lawyers from depositing fiduciary monies in banking institutions that do not agree to forward copies of bank statements to legal fiduciaries of estates and trusts. This rule could be patterned after the Dishonored Check Reporting Rule.

Confidentiality in Lawyer Discipline Proceedings

Confidentiality should not remain in disciplinary proceedings when a court has probable cause that a lawyer has stolen law client funds.

Section 90 of the Judiciary Law provides that lawyer discipline proceedings shall be "deemed private and confidential", and that all "papers, records and documents" be sealed unless the court sustains the charges of misconduct lodged against a lawyer.

The Trustees' experience over twenty-four years has demonstrated that dishonest lawyers can and do exploit the laws of confidentiality to conceal dishonest and criminal activity.

The Trustees also recommend that court rules and policies statewide require that the local District Attorney be notified whenever an attorney disciplinary committee has evidence of a larceny by a lawyer in the practice of law.

Reinstatement to the Practice of Law

The Trustees recommend that the court rules in the Third and Fourth Judicial Departments be amended to include similar provisions of notice to the Lawyers' Fund of reinstatement petitions.

Court rules in the First and Second Judicial Departments require that a petitioner seeking reinstatement to the practice of law provide the Lawyers' Fund with a copy of their reinstatement petition. This affords the Fund the opportunity to oppose readmission of any former attorney who is indebted to the Fund for awards to their former law clients.

***"...I would like to...thank you and your staff for the expeditious and professional handling of my claim. We appreciate everyone's effort on our behalf."
Message from a Claimant, 2006.***

Conclusion

The Trustees' experience over 24 years clearly demonstrates that the overwhelming majority of New York's lawyers are honest and caring and maintain the highest standards of integrity when entrusted with law client money and property. In 2006, as it has been since 1982, a handful of lawyers constituting a tiny percentage of New York's legal profession are responsible for the dishonest conduct resulting in the Fund's awards. These few lawyers persist in causing client losses. It is therefore essential that a well-financed and responsive Lawyers' Fund continue to be an integral part of our justice system.

The Trustees recognize that the success of the Lawyers' Fund is due in great measure to the support and assistance of our colleagues in public service upon whom we greatly rely. Our special thanks is again extended to the Court of Appeals; the Office of Court Administration; the staffs of New York's Attorney Grievance Committees; the Attorney General and his assistants; District Attorneys statewide and their prosecutors; and the Office of the State Comptroller.

Trustees Regulations (22 NYCRR 7200, et seq.)

7200.1 Purpose of fund. The purpose of the Lawyers' Fund for Client Protection is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of attorneys admitted and licensed to practice law in the courts of New York State.

7200.2 Organization. (a) The fund shall be administered by a board of trustees appointed by the Court of Appeals of the State of New York.

(b) The board of trustees shall consist of seven members. Of the trustees first appointed, three shall be appointed for terms of three years, two for a term of two years, and two for a term of one year. As each term expires, each new appointment shall be for a term of three years.

(c) The trustees shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the discharge of their duties.

(d) The trustees shall from time to time elect from their membership a chairman, vice-chairman, treasurer and such additional officers as they deem necessary or appropriate.

(e) The trustees shall retain an executive director to serve as the chief administrative officer of the fund.

7200.3 Meetings. (a) The trustees shall meet at least four times each year at such locations, or in such manner, as the chairman shall designate. Special meetings may be called by the chairman, and shall be called by the chairman upon the request of at least two trustees. Special meetings may be conducted by telephone conference. The chairman shall provide reasonable notice of all meetings.

(b) Four trustees shall constitute a quorum. A majority of the trustees present at any meeting of the board may exercise any power held by the trustees, except as otherwise provided in this Part.

7200.4 Powers of trustees. In the exercise of the authority granted the trustees, the trustees have the power to:

(a) receive, hold, manage and distribute 50 per centum of the monies collected pursuant to the provisions of section 468-a of the Judiciary Law and such other monies as may be credited or otherwise transferred from any other fund or source, pursuant to law, including voluntary contributions together with any interest accrued thereon. All deposits of such revenues not otherwise required for the payment of claims shall be secured and invested as required by the provisions of section 97-t of the State Finance Law;

(b) adopt regulations for the administration of the fund and procedures for the presentation, determination and payment of claims, including the establishment of a maximum limitation for awards to claimants;

Trustees Regulations (22 NYCRR 7200, et seq.)

(c) investigate claims for reimbursement of losses as the trustees deem appropriate using staff and other available resources;

(d) coordinate and cooperate with the Appellate Divisions of the Supreme Court in the investigation of claims;

(e) examine witnesses and, in accordance with the Provisions of the Civil Practice Law and Rules and the regulations of the trustees, administer oaths or affirmations and issue subpoenas;

(f) hold such hearings as the trustees deem appropriate;

(g) determine, in the trustees' sole discretion, the merits of claims presented for reimbursement, the amount of reimbursement to be awarded, the terms under which reimbursement shall be made and the order of payment;

(h) prosecute claims for restitution to which the fund may be entitled;

(i) engage in studies and programs for client protection and prevention of dishonest conduct in the practice of law;

(j) employ and at pleasure remove employees, legal counsel, agents and consultants, and fix their compensation within the amounts made available therefor;

(k) furnish the Court of Appeals with such reports and audits as the court may require; and

(l) perform all other acts necessary or proper for the fulfillment of the purposes of the fund and its effective administration.

7200.5 Duties of officers. (a) The chairman shall preside at all meetings of the trustees, generally supervise the administration of the fund, and exercise such other functions and duties that the trustees may assign or delegate, or that are customary to the office of chairman.

(b) The vice-chairman shall assume the duties of chairman in the absence or disability of the chairman.

(c) The treasurer shall maintain the financial records of the fund and, jointly with the chairman, certify vouchers of the fund that authorize the State Comptroller to make payments to claimants.

(d) The executive director shall assist the trustees, supervise the implementation of regulations and policies of the trustees, coordinate the investigation of claims and prepare reports thereon, supervise staff, serve as secretary at meetings, and fulfill such other duties as may be assigned or delegated by the chairman or the trustees.

7200.6 Conflict of interest. A trustee with a past or present relationship with a claimant or the attorney whose alleged conduct is the subject of the claim shall disclose such a relationship to the trustees and, if the trustees deem appropriate, that the trustee shall not participate in any proceeding relating to such claim.

7200.7 Reports (a) On or before the first day of April each year, the trustees shall prepare an annual report of the activities and operations of the fund during the preceding year. The report shall be transmitted to the Court of Appeals, the Governor, the Legislature and the State Comptroller.

(b) The trustees may also issue periodic reports to the public concerning the activities and procedures of the fund.

7200.8 Eligible claims. (a) The trustees shall consider claims for reimbursement of losses caused by the dishonest conduct of attorneys admitted to practice in New York State, provided that:

(1) the dishonest conduct alleged in the claim constituted the wrongful taking of money, securities or other property belonging to a law client or other person who entrusted it with an attorney admitted to the practice of law in New York State;

(2) the dishonest conduct occurred in the practice of law by an attorney admitted to practice law in New York State;

(3) there is, in the trustees' discretion, a sufficient nexus between the

dishonest conduct alleged in the claim and the practice of law in New York State;

(4) the claim is made directly by the client or other person, or their representative;

(5) the loss occurred or was discovered on or after June 1, 1981; and

(6) unless the trustees decide otherwise, the attorney has been suspended or removed from practice, is dead, or the attorney's whereabouts cannot be determined.

(b) The claimant shall have the responsibility to provide satisfactory evidence of an eligible loss.

(c) For the purposes of this section, "dishonest conduct" shall include the misappropriation or willful misapplication of money, securities or property in the practice of law, and unlawful acts in the nature of theft, larceny, embezzlement, fraud or conversion.

(d) Losses not eligible for reimbursement include damages resulting from an attorney's negligence, malpractice or neglect; losses incurred by government agencies; losses incurred by financial institutions; losses incurred by business organizations having twenty or more employees; and losses arising from financial transactions with attorneys that do not occur within an attorney-client relationship and the practice of law.

(e) (1) In a loss resulting from an attorney's refusal or failure to refund an unearned legal fee as required by the Lawyer's Code of Professional Responsibility, "dishonest conduct" shall include an attorney's misrepresentation, or false promise, to provide legal services to a law client in exchange for the advance payment of a legal fee.

(2) An attorney's failure to perform or complete a legal engagement shall not constitute, in itself, evidence of misrepresentation, false promise or dishonest conduct.

(3) Reimbursement of a legal fee may be allowed only if: (i) the attorney provided no legal services to the client in the engagement; or (ii) the legal services that the attorney actually provided were, in the trustees' judgment, minimal or insignificant; or (iii) the claim is supported by a determination of a court, a fee conciliation bureau, or an accounting acceptable to the trustees that establishes that the client is owed a refund of a legal fee. No award reimbursing a legal fee shall exceed the actual fee that the client paid the attorney.

(4) In the event that a client is provided equivalent legal services by another attorney without cost to the client, the legal fee paid to the predecessor attorney will not be eligible for reimbursement, except in extraordinary circumstances.

7200.9 Filing claims. (a) Claims for reimbursement from the fund shall be written and verified. The fund shall provide an official claim form which shall require the following information: the name and address of the claimant; the name and last-known address of the attorney who is alleged to have committed a dishonest act; the terms of the attorney's professional engagement for the claimant; the amount of the loss incurred; the date of the loss or the period of time when the loss occurred; the place and manner in which the loss occurred; the date and manner in which the claimant discovered the loss; a description of what steps the claimant has taken to recover the loss from the attorney or any other source; and whether there are other sources, such as insurance, fidelity bonds or surety agreements, to reimburse the claimant's loss. The trustees may require a claimant to submit additional information that may be necessary to determine a claim.

(b) The fund shall promptly acknowledge receipt of the claim, which shall be assigned a claim number.

(c) A claim shall be filed with the fund within two years after the following dates, whichever is later:

(1) the date when the alleged dishonest conduct occurred; or

(2) the date when such dishonest conduct was first discovered.

(d) The trustees, in their discretion, may permit the late filing of claims upon a showing that compliance with the time limitations of this

Trustees Regulations (22 NYCRR 7200, et seq.)

section may cause undue hardship or result in an injustice.

(e) In the discretion of the trustees, a claim shall be deemed filed when any writing specifying the claim is received by the fund, a bar association, an attorney grievance committee, or a police or other government agency.

7200.10 Processing claims. (a) Whenever it appears that a claim is not eligible for reimbursement pursuant to these regulations, the claimant shall be advised of the reasons why the claim is not eligible for reimbursement, and that unless additional facts to support eligibility are submitted to the fund within 30 days, the claim shall be dismissed.

(b) All claims that are eligible for reimbursement from the fund shall be investigated in such manner as the trustees deem appropriate. The trustees shall be furnished a written report of each investigation.

(c) The appropriate Appellate Division of the Supreme Court shall be requested to assist the trustees, to the extent the court deems appropriate, in the investigation of claims for reimbursement from the fund.

(d) A certified copy of an order disciplining an attorney for the same act of conduct alleged in a claim, or a final judgment imposing civil or criminal liability therefor, shall, for the purpose of these regulations, be evidence that the attorney committed such act.

(e) Upon receipt of the investigation report, the trustees shall determine whether to conduct additional investigation. If the attorney whose alleged conduct gave rise to the claim has not been previously notified of the claim, a copy shall be provided the attorney. The attorney shall be invited to respond to the claim within 20 days.

(f) The trustees may request that testimony be presented to complete the record. Upon request, the claimant and the attorney, or their respective representatives, shall be given an opportunity to be heard.

(g) The trustees shall determine, in their sole discretion, whether a claim merits reimbursement from the fund and the amount, time, manner of its payment and the conditions upon which payment shall be made. The award of a claim shall require the affirmative vote of at least four trustees.

(h) Unless the trustees direct otherwise, no claim shall be awarded during the pendency of a disciplinary proceeding involving the same act of conduct that is alleged in the claim.

(i) In the exercise of their discretion in determining claims, the trustees shall consider, together with such other factors as they deem appropriate:

(1) the amount of money available and likely to become available to the fund for the payment of claims, and the size and number of claims that have been or are likely to be presented;

(2) the amount of the claimant's loss as compared with the amount of losses sustained by other claimants who may merit reimbursement from the fund;

(3) the degree of hardship suffered by the claimant as a result of the loss;

(4) any conduct of the claimant that contributed to the loss; and

(5) the existence of other sources to reimburse the claimant's loss, such as insurance, fidelity bonds or surety agreements.

(j) Written notice of the trustees' determination shall be provided the claimant and the attorney whose alleged conduct gave rise to the claim, or their representatives.

7200.11 Reconsideration of claims. A claimant who is denied reimbursement in whole or in part may request that the trustees reconsider the claim by filing an application with the fund no later than 30 days following receipt of the trustees' determination. If a claimant fails to request reconsideration, or the original determination of the trustees is confirmed, the trustees' determination shall be final.

7200.12 Legal right to payment from fund. No person or organization shall have any legal right to payment from the fund as a claimant, third-party beneficiary or otherwise.

7200.13 Payment of awards. (a) Claimants shall be reimbursed for losses in amounts to be determined by the trustees. No award shall

exceed \$300,000.

(b) Awards shall not include interest. Attorneys' fees and other incidental and out-of-pocket expenses shall not be reimbursed by the fund. Additional taxes, interest, late charges and similar penalties finally incurred by a claimant as the direct result of an attorney's misappropriation may be eligible for reimbursement in the discretion of the trustees. The investigation report in a claim which involves such an element of loss shall contain an estimate of the amount of such loss and a recommendation whether the loss merits reimbursement from the fund. Unless the trustees determine otherwise, payment thereof may be processed as a supplemental award of reimbursement without further action by the trustees, provided the claimant provides proof of loss within six months following the trustees' approval of the underlying claim. The executive director shall report quarterly to the trustees on the payment of all supplemental awards during the preceding quarter.

(c) No claim for reimbursement shall be paid until the claimant transfers to the fund, in such form as the trustees shall authorize, the claimant's rights against the attorney whose dishonest conduct caused the claimant's loss and any other person or entity who may be liable for the claimant's loss.

(d) Payment of claims shall be made in such amounts and at such times as the trustees deem appropriate and may be paid in lump-sum or installment amounts.

(e) If a claimant is a minor or an incompetent, the award may be paid to a parent, guardian, committee or the attorney of the claimant, on the behalf of and for the benefit of the claimant.

(f) All payments of awards of reimbursement from the fund shall be made by the State Comptroller on vouchers certified by the chairman and the treasurer.

7200.14 Representation by counsel. (a) A claimant and the attorney whose alleged conduct resulted in the claim shall have the right to be represented by an attorney.

(b) In accordance with the rules of the Appellate Divisions of the Supreme Court, no attorney who assists a claimant process a claim with the fund shall charge or accept compensation for those services, without the prior written approval of the trustees. No fee applications by attorneys, including public officers and court-appointed fiduciaries, shall be approved by the trustees absent a showing of extraordinary circumstances.

7200.15 Confidentiality. (a) Except as otherwise provided, all claims and proceedings and the records relating thereto shall be sealed and confidential.

(b) All information provided by an Appellate Division of the Supreme Court shall remain sealed and confidential to the extent required by section 90 of the Judiciary Law.

(c) The trustees' final determination awarding reimbursement of a claim, and the facts relating to the claimant's loss, shall be a public record.

(d) An attorney whose alleged conduct gave rise to the claim may waive confidentiality.

(e) This section shall not be construed to deny access to information by the Court of Appeals, and Appellate Division of the Supreme Court, or to any court of competent jurisdiction in a judicial review proceeding.

7200.16 Amendment of regulations. New regulations may be adopted, and any regulation may be amended or repealed by the trustees at any regular or special meeting, provided that notice of the proposed adoption, amendment or repeal has been given to all trustees at least seven days before the meeting. New regulations, amendments and repeals shall be published in the State Register. Copies of all regulations shall be made available to the public at all offices of the fund.

7200.17 Construction of regulations. These regulations shall be liberally construed to accomplish the objectives of the fund and the policies of the trustees.

Publications and Statutes

Lawyers' Fund Publications

A Practical Guide to Attorney Trust Accounts and Recordkeeping. Now in its third edition, this guide for lawyers discusses disciplinary and court rules, statutes and bar association ethics opinions relating to attorney trust accounts and recordkeeping rules.

Know Your Escrow Rights

(1995), a plain-English guide to the law of escrow. This consumer pamphlet was prompted by the fact that nearly 30 percent of all client losses involve lawyers' misuse of escrow funds. **Know Your Escrow Rights** has been widely distributed in downstate counties where escrow losses occur most frequently. As a help to the bar, the Trustees published a companion pamphlet, **Know Your Escrow Rights: The Lawyers' Edition (1995)**, with citations to relevant cases, statutes and administrative regulations.

Complimentary copies are provided, in bulk, to all bar associations and law schools in New York.



Attorney Trust Accounts: The Video (1996). Produced with the New York State Bar Association. A 15-minute video that focuses on court rules and accounting standards that govern the fiduciary obligations of lawyers to maintain escrow and client trust accounts, IOLA bank accounts and law office record systems.

What's A Power of Attorney? Answers for New Yorkers (1996) Produced with the Government Law Center of the Albany Law School of Union University. A 12-page guide, in plain English and question and answer format, that addresses basic principles of law, fiduciary conduct and important changes in New York statutes that took effect on January 1, 1997. The pamphlet has been widely distributed to the senior citizen community, including 100,000 copies sponsored by the New York State Department of Law.

Avoiding Grief With A Lawyer — A Practical Guide (1998). This consumer brochure identifies possible sources of dispute in an attorney-client relationship, warning signs of troubles and problems, and ways to avoid and deal with them. The pamphlet has been distributed to bar associations, consumer protection agencies, legislative offices, and New York State public libraries. A special version of this consumer brochure was prepared for the Attorney General's Office and the New York State Unified Court System.

Appendix of CLE Materials (1999). New York's Mandatory Continuing Legal Education program requires that members of the bar acquaint themselves with the fiduciary and record-keeping obligations of lawyers when they are entrusted with money and property belonging to clients and escrow beneficiaries. To assist bar associations and educational institutions develop CLE seminars in this area of practice, the Lawyers' Fund published this 70-page compendium of applicable statutes, court rules, ethics opinions of bar associations, and practical advice for lawyers and law firms.

NY State Finance Law Sec. 97-t

§§ 97-t. Lawyers' fund for client protection of the state of New York.

1. There is hereby established in the custody of the state comptroller a special fund to be known as the "lawyers' fund for clients protection of the state of New York".

2. The full amount of the allocable portion of the biennial registration fee collected pursuant to the provisions of section four hundred sixty-eight-a of the judiciary law and such other monies as may be credited or otherwise transferred from any other fund or source, pursuant to law, including voluntary contributions, together with any interest accrued thereon, shall be deposited to the credit of the lawyers' fund for client protection of the state of New York. All

deposits of such revenues not otherwise required for the payment of claims as hereinafter prescribed shall be secured by obligations of the United States or of the state having a market value equal at all times to the amount of such deposits and all banks and trust companies are authorized to give security for such deposits. Any such revenues in such fund, may be invested in obligations of the United States or of the state, or in obligations the principal and interest on which are guaranteed by the United States or by the state.

NY Judiciary Law Sec. 468-b

§§ 468-b. Clients' security fund of the state of New York.

1. The court of appeals shall appoint a board of trustees to administer the lawyers' fund for client protection of the state of New York established pursuant to section ninety-seven-t of the state finance law. Such board shall consist of seven members. Of the trustees first appointed, three shall be appointed for a term of three years; two for a term of two years; and two for a term of one year. As each such term expires, each new appointment shall be for a term of three years. The court of appeals may require such reports or audits of the board as it shall from time to time deem to be necessary or desirable.

2. The board shall have the power to receive, hold, manage and distribute the funds collected hereunder for the purpose of maintaining the integrity and protecting the good name of the legal profession by reimbursing, in the discretion of the trustees to the extent they may deem proper and reasonable, losses caused by the dishonest conduct of attorneys admitted to practice in this state. For purposes of this section, the term "dishonest conduct" shall mean misappropriation or wilful misapplication of clients' money, securities, or other property, by an attorney admitted to practice in this state.

3. The board of trustees shall adopt regulations for the administration of the lawyers' fund for client protection of the state of New York and the procedures for presentation, consideration, allowance and payment of claims, including the establishment of a maximum limitation for awards to claimants.

4. The board of trustees shall have the sole discretion to determine the merits of claims presented for reimbursement, the amount of such reimbursement and the terms under which such reimbursement shall be made. Such terms of reimbursement shall require that the claimant execute such instruments, take such action or enter into such agreements as the board of trustees shall require, including assignments, subrogation agreements and promises to cooperate with the board of trustees in making claims against the attorney whose dishonest conduct resulted in the claim.

5. The board of trustees shall serve without compensation but shall be entitled to receive their actual and necessary expenses incurred in the discharge of their duties.

6. The board of trustees may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available therefor.

7. The board of trustees shall be considered employees of the state for the purpose of section seventeen of the public officers law.

8. All payments from the lawyers' fund for client protection of the state of New York shall be made by the state comptroller upon certification and authorization of the board of trustees of said fund.

9. Acceptance of an award of reimbursement from the lawyers' fund for client protection shall, to the extent of such award, (a) subrogate the fund to any right or cause of action that accrued to the claimant as a consequence of the dishonest conduct that resulted in the claimant's award and (b) create a lien in favor of the fund that shall attach to any money asset that is designated to be paid to the claimant from, or on behalf of, the attorney who caused the claimant's loss. If the fund fully reimburses the claimant's loss, as determined by the board of trustees, the lien shall be in the amount of the fund's award. If the claimant's loss exceeds the fund's award, the lien shall not extend to the claimant's right to recover additional restitution from the attorney for the claimant's unreimbursed loss. In the event of a recovery by the fund, a claimant shall be entitled to any money recovered in excess of the fund's award of reimbursement to the claimant.

Statistical Tables

All Losses Reported Since 1982					Losses Reported in 2006 Claims				
Category of Client Loss	Number of Claims	Percent of All Claims	Amount of Loss Alleged	Percent of All Losses	Category of Client Loss	Number of Claims	Percent of All Claims	Amount of Loss Alleged	Percent of All Losses
Estates & Trusts	993	7.2%	\$83,749,138	18.4%	Estates & Trusts	36	6.9%	\$3,358,644	18.1%
Real Property Escrow	2,889	21.1%	\$109,346,576	24.0%	Real Property Escrow	139	26.7%	\$8,197,004	44.2%
Unearned Fees	4,721	34.4%	\$20,126,390	4.4%	Unearned Fees	107	20.6%	\$1,034,882	5.6%
Settlements	979	7.1%	\$24,804,349	5.4%	Settlements	49	9.4%	\$1,416,665	7.6%
Other Escrow	1,404	10.2%	\$49,706,038	11.0%	Other Escrow	104	20.0%	\$1,063,295	5.7%
Debt Collection	613	4.5%	\$2,168,865	0.5%	Debt Collection	3	0.6%	\$34,883	0.2%
Investment	1,287	9.4%	\$135,916,064	29.8%	Investment	11	2.1%	\$315,000	1.7%
Other	830	6.1%	\$29,815,317	6.5%	Other	71	13.7%	\$3,134,170	16.9%
Totals	13,716	100%	\$455,632,737	100%	Totals	520	100%	\$18,554,543	100%

Client Losses in All Awards Since 1982						
Category of Client Loss	Number of Awards	Percent of All Awards (#)	Amount of All Awards	Percent of All Awards (\$)	Client Losses Involved	Percent of All Losses Reimbursed
Estates & Trusts	669	10.8%	\$33,089,632	26.8%	\$54,309,669	60.9%
Real Property Escrow	1,798	29.2%	\$44,846,124	36.3%	\$48,509,024	92.4%
Unearned Fees	1,762	28.6%	\$3,785,513	3.1%	\$3,811,613	99.3%
Settlements	497	8.1%	\$10,270,630	8.3%	\$10,817,327	94.9%
Other Escrow	646	10.5%	\$14,025,497	11.4%	\$20,781,744	67.5%
Debt Collection	449	7.3%	\$665,513	0.5%	\$720,513	92.4%
Investment	342	5.5%	\$16,802,682	13.6%	\$21,611,644	77.7%
Totals	6,163	100%	\$123,485,591	100%	\$160,561,534	

Client Losses in 2006 Awards						
Category of Client Loss	Number of Awards	Percent of All Awards (#)	Amount of All Awards	Percent of All Awards (\$)	Client Losses Involved	Percent of All Losses Reimbursed
Estates & Trusts	18	12.3%	\$1,316,372	18.4%	\$1,316,372	100%
Real Property Escrow	62	42.2%	\$2,958,249	41.4%	\$2,958,249	100%
Unearned Fees	33	22.4%	\$127,502	1.8%	\$127,502	100%
Settlements	9	6.1%	\$259,917	3.7%	\$259,917	100%
Other Escrow	15	10.2%	\$944,172	13.2%	\$944,172	100%
Debt Collection	0	0.0%	\$0	0.0%	\$0	0%
Investment	10	6.8%	\$1,535,768	21.5%	\$1,699,368	90.4%
Totals	147	100%	\$7,141,980	100%	\$7,305,580	

		Claims Activity Since 1982																										
		1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Totals	
Claims Filed		534	375	230	332	341	311	351	486	438	515	627	636	598	909	730	1,128	812	442	492	548	499	506	627	729	520	13,716	
Losses Alleged (In Millions \$)		\$3.2	\$5.4	\$6.1	\$5.3	\$5.1	\$5.7	\$10.8	\$14.1	\$15.8	\$28.3	\$25.2	\$25.4	\$25.5	\$36.8	\$29.9	\$40.8	\$24.3	\$15.9	\$20.5	\$22.6	\$21.8	\$17.4	\$26.7	\$28.1	\$18.6	\$455.7	
Claims Approved		1	494	130	183	178	159	202	177	219	200	288	318	362	383	381	625	415	161	205	160	187	165	196	227	147	6,163	
Actual Losses (In Millions \$)		\$0.1	\$1.5	\$1.9	\$2.5	\$1.3	\$2.0	\$3.8	\$6.3	\$4.8	\$5.8	\$13.5	\$12.4	\$10.4	\$8.9	\$13.7	\$9.1	\$6.8	\$3.7	\$14.2	\$5.3	\$5.9	\$5.8	\$5.1	\$8.6	\$7.3	\$160.6	
Awards (In Millions \$)		\$0	\$0.7	\$0.9	\$1.3	\$1.1	\$1.9	\$2.8	\$3.8	\$4.6	\$4.1	\$7.3	\$7.5	\$7.6	\$5.7	\$9.9	\$6.9	\$5.9	\$3.4	\$10.5	\$5.3	\$5.7	\$5.8	\$5.1	\$8.1	\$7.1	\$123.4	
Lawyers Involved		1	13	26	43	26	24	36	26	38	44	38	52	45	60	38	39	29	28	49	28	28	37	26	32	35	841	
% Losses Reimbursed		50%	46%	46%	52%	85%	95%	74%	60%	96%	71%	54%	60%	73%	64%	72%	76%	87%	92%	74%	100%	98%	99%	100%	94%	98%		
% Client Fully Reimbursed		0	74%	65%	39%	91%	99%	99%	98%	96%	94%	95%	94%	94%	98%	94%	98%	99%	99%	97%	100%	98%	98%	100%	98%	98%		
Claims Disallowed		33	201	105	73	164	120	119	169	186	360	253	384	247	366	439	620	522	383	329	383	281	338	323	327	284	7,009	
Total Dispositions		34	695	235	256	342	279	321	346	405	560	540	702	610	749	820	1,245	937	544	534	543	468	503	519	554	431	13,172	
Claims Pending Dec. 31		500	180	175	251	250	282	312	452	485	440	526	460	449	609	579	462	337	235	193	198	229	232	340	515	604		
Losses Alleged in Pending Claims (In Millions \$)		\$2.9	\$4.6	\$7.4	\$8.5	\$9.5	\$10.2	\$15.3	\$18.0	\$23.9	\$32.0	\$30.1	\$24.2	\$27.3	\$43.5	\$46.9	\$46.6	\$18.0	\$16.1	\$10.2	\$11.1	\$13.7	\$14.6	\$20.7	\$17.5	\$17.8		
Exposure on Pending Claims (In Millions \$)		\$1.7	\$1.6	\$2.3	\$2.7	\$3.5	\$5.2	\$6.3	\$9.8	\$15.1	\$14.9	\$16.0	\$13.9	\$15.2	\$24.4	\$25.1	\$17.4	\$11.3	\$11.6	\$8.3	\$9.2	\$10.2	\$10.3	\$15.1	\$13.9	\$14.8		
Fund Balance (In Millions \$)		\$1.8	\$1.4	\$2.1	\$1.3	\$4.4	\$3.3	\$5.1	\$4.2	\$3.6	\$2.8	\$3.4	\$1.8	\$2.4	\$3.4	\$2.5	\$2.1	\$6.6	\$6.3	\$3.4	\$4.1	\$5.4	\$5.5	\$8.1	\$5.4	\$7.0		

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
Edward P. Abbott	06	1	\$ 10,624	Darrell L. Bowen	04	1	\$ 300
John E. Aber	05	3	\$ 2,850	Martin J. E. Bowers	10	1	\$ 12,750
Richard H. Abelson	09	2	\$ 314,066	Jonathan N. Boxer	10	12	\$ 61,364
James E. Adel	08	3	\$ 18,656	Raymond D. Bradford	09	2	\$ 20,779
Mark I. Adelman	01	2	\$ 6,525	Karen E. Bragg	10	1	\$ 250
Howard B. Adler	01	6	\$ 903,948	Hugh F. Brammer	10	1	\$ 410
Cornelius M. Ahearn, Jr.	01	1	\$ 65,713	E. Lawrence Brass	10	14	\$ 339,657
Alexander A. Alarid	01	1	\$ 7,500	Leo Bresler	10	2	\$ 100,000
George E. Albright	07	1	\$ 2,150	Michael R. Bressler	01	12	\$ 39,285
Alexis Alcide	11	1	\$ 7,200	John D. Bridge	08	1	\$ 1,000
David B. Alford	03	4	\$ 8,150	Richard Brill	09	1	\$ 15,680
Donald A. Alleva, Jr.	09	4	\$ 40,861	Trevor L. Brooks	01	1	\$ 21,021
Nicholas P. Altomerianos	01	1	\$ 13,425	Harold Brotman	10	1	\$ 6,667
David W. Alvey	02	10	\$ 490,852	Bertram Brown	01	1	\$ 23,610
Joseph Amaru	11	2	\$ 208,529	Bradford J. Brown	01	1	\$ 36,000
Robert B. Anderson	01	1	\$ 100,000	Harry L. Brown	08	2	\$ 27,346
Thomas A. Andrews	01	1	\$ 300,000	Mark Broydes	12	3	\$ 2,050
Alvin Ashley	01	1	\$ 71,445	Kenneth E. Bruce	09	1	\$ 800
Jason Ashley	11	11	\$ 107,885	Stephen Bruschi	01	1	\$ 1,500
Lewis G.P. Ashton	11	2	\$ 9,000	Alan I. Brutton	11	1	\$ 500
Harley D. Axelrod	07	5	\$ 107,128	Kevin C. Bryant	07	9	\$ 9,475
David A. Baker	05	10	\$ 61,627	Joseph T. Burchill	06	1	\$ 25,000
William F. Baker	05	2	\$ 28,556	John R. Burgess	08	6	\$ 30,868
Richard L. Baltimore, Jr.	01	5	\$ 42,096	Timothy K. Burgess	07	2	\$ 9,118
Norwood K. Banks	07	1	\$ 573	W. Michael Burke	03	2	\$ 700
John M. Barth	01	1	\$ 3,000	William M. Burke	03	2	\$ 101,035
Rodney E. Batts	10	1	\$ 37,900	Jeffrey S. Burns	10	3	\$ 12,370
Paul L. Beck	01	7	\$ 105,700	Charles S. Butin	10	2	\$ 6,750
Irving Becker	01	10	\$ 16,330	Gail D. Butler	01	2	\$ 55,650
Herbert H. Bell	01	1	\$ 40	H. Ronald Buttarazzi	07	3	\$ 68,870
William F. Benca	08	2	\$ 57,950	Cathryn A. Byrne	10	1	\$ 226,491
Eugene V. Benevenia	10	11	\$ 194,189	Nicholas Capobianco	07	4	\$ 6,530
Howard A. Benick	01	2	\$ 1,320	Russell J. Carbone	11	2	\$ 19,000
Michael D. Benjamin	02	1	\$ 900	Kenneth B. Carnesi	10	10	\$ 381,708
Bradley C. Bennett	07	2	\$ 7,554	William F. Carrigan, Jr.	05	4	\$ 85,642
Robert J. Bennison	05	1	\$ 15,815	Joi M. Cary	07	5	\$ 7,106
Richard H. Berg	09	2	\$ 2,000	John M. Cassel	03	1	\$ 65,000
Alan A. Bergstein	10	1	\$ 28,995	Stuart B. Cassell	11	35	\$ 486,387
Adam H. Bernstein	07	3	\$ 40,339	Frank V. Cassese	02	23	\$ 335,830
Harry J. Bernstein	11	16	\$ 216,742	Richard H. Cataldi	08	3	\$ 71,810
Jeruchom Bergstein	02	11	\$ 14,000	Vincent J. Catalfo	01	1	\$ 45,000
Peter N. Bertucci	01	1	\$ 25,000	Katherine R. Catanzarite	04	19	\$ 60,843
Burton H. Besen	01	9	\$ 146,616	Gil A. Chachkes	02	2	\$ 1,500
Jeffrey L. Besse	03	32	\$1,430,278	Harvey Chaly	10	4	\$ 42,944
Lassalle Best, Jr.	02	1	\$ 1,000	John R. Chaney, Jr.	01	3	\$ 2,276
Jose M. Betancourt	12	2	\$ 21,961	John P. Charles	11	1	\$ 2,500
James Bing	01	3	\$ 4,085	Michael M. Chasen	12	6	\$ 38,708
Charles Birnbaum	02	1	\$ 594	John D. Chestara	03	17	\$ 146,832
Warren J. Black	01	1	\$ 20,576	John M. Cholakis	03	1	\$ 52,383
Blaich & Dries	09	7	\$ 236,162	James Ciccone	02	2	\$ 3,700
Walter H. Blaich, Jr.	09	7	\$ 385,835	Robert A. Cicola	10	11	\$ 258,396
Lawrence Bluth	11	1	\$ 11,500	Frank A. Cissi	05	2	\$ 4,996
Allen J. Bodner	01	1	\$ 100,000	John D. Clark	08	1	\$ 750
Howard J. Bodner	10	20	\$ 968,658	Robert J. Clark	01	5	\$ 121,990
Murray Bogatin	01	2	\$ 9,400	A. Roger Clarke	07	5	\$ 193,183
Philip L. Boneta	02	3	\$ 19,533	James F. Clarke	10	19	\$1,145,491
Anthony J. Bonfiglio	01	3	\$ 114,000	Richard B. Claro	10	1	\$ 76,500
Martin Borakove	01	2	\$ 16,101	W. Andrew Clawson	07	19	\$ 305,715
Lee H. Bostic	11	4	\$ 31,583	Casey A. Clines	04	1	\$ 350

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
Joseph A. Cofino	12	2	\$ 3,500	Jerrold A. Domingo	01	3	\$ 19,000
Daniel I. Cohen	01	4	\$ 81,720	Myron Domsky	10	3	\$ 3,500
James Harrison Cohen	01	5	\$ 57,055	Paul B. Donohue	09	1	\$ 750
Stanley I. Cohen	02	4	\$ 472,241	Michael J. Donovan	01	1	\$ 27,531
Kenneth H. Cohn	06	9	\$ 4,010	Walter M. Donovan	08	23	\$ 75,050
Kenneth W. Cohn	10	1	\$ 16,077	H. Paul Doucette, Jr.	07	9	\$ 16,200
Theresa N. Coletti	11	25	\$ 53,317	George E. Dougherty, Jr.	03	6	\$ 140,388
Joseph L. Colp	01	3	\$ 12,300	William J. Dougherty	10	5	\$ 124,795
Frank Coniglio	10	12	\$ 240,110	Frank J. Doupona	09	10	\$ 602,595
Kevin A. Conine	06	2	\$ 40,861	Charles H. Downing	01	2	\$ 6,362
Joseph A. Contino	08	2	\$ 200,000	James L. Dowsey, III	10	1	\$ 8,500
Stephen E. Cooper	04	2	\$ 268,455	Paul Drager	09	1	\$ 500
Edward M. Cooperman	10	3	\$ 12,700	Adrian P. Driggs, III	01	1	\$ 45,000
R. Lynette Copeland	08	1	\$ 5,000	Arthur S. Drotzer	09	2	\$ 5,255
Kevin P. Corcoran	09	2	\$ 16,965	Robert G. Dubrow	10	1	\$ 28,428
William J. Corcoran	01	1	\$ 10,000	Michael J. Duffy	05	5	\$ 236,536
Gerald M. Cotter	10	28	\$ 990,471	Melvin G. Duke	02	1	\$ 1,500
James P. Cotter	08	1	\$ 46,036	Peter J. Dunne	10	13	\$ 68,950
Catherine N. Coughlin	08	3	\$ 7,002	Thomas A. Dussault	03	184	\$ 329,956
Coxeter & Coxeter	03	1	\$ 50,000	Roger L. Dworsky	04	6	\$ 4,200
Ronald P. Crean	01	2	\$ 22,750	Saul L. Eagle	12	4	\$ 290,404
Gene Crescenzi	01	2	\$ 6,880	Paul J. Eckelman	09	3	\$ 8,895
Domenick Crispino	01	19	\$ 819,629	Eugene P. Edwinn	01	3	\$ 107,770
John T. Crone	07	14	\$ 450,427	Louis A. Egnasko	02	66	\$1,921,450
Dennis D. Crowley	09	6	\$ 271,804	Ehman & Marino	10	61	\$3,061,535
Marshall Oakes Crowley, Jr.	10	2	\$ 44,859	Howard Eisenberg	01	1	\$ 5,000
Martin J. Crowley	10	15	\$ 124,534	Robert A. Eisenberg	02	1	\$ 7,058
Thomas P. Cullen, Jr.	11	4	\$ 93,513	Mitchell Eisenstat	01	2	\$ 3,675
Richard H. Cunningham	10	5	\$ 12,859	Calvin Eleby, Jr.	03	2	\$ 35,907
David A. Curtin	08	14	\$ 44,638	Dennis P. Elkin	11	1	\$ 250
John L. Curtis	08	4	\$ 252,344	Robert S. Elkins	10	3	\$ 101,450
Dona Curtis-Thomas	09	1	\$ 4,750	Christopher S. Ellerman	02	1	\$ 10,000
R. Scott Daly	02	2	\$ 11,600	W. Joseph Embser	08	1	\$ 100,000
Benjamin F.L. Darden	06	2	\$ 67,088	Charles E. Ennis	07	3	\$ 52,427
W. Timothy Darrah	10	4	\$ 591,838	Michael L. Entes	02	2	\$ 10,000
Samuel B. Dattilo	07	10	\$ 661,946	Michael F. Erdheim	01	20	\$ 993,099
Thomas P. Daubner	11	1	\$ 500	Steven M. Erdheim	09	23	\$ 12,840
Kenneth P. Daumen, Sr.	08	1	\$ 3,211	Jonathan Erickson	07	6	\$ 111,173
Mehran W. Davidian	10	1	\$ 5,000	Jerome J. Erlin	01	4	\$ 42,595
Frazier Davidson	09	1	\$ 208,394	John R. Esposito	12	1	\$ 5,700
Ingrid N. Davis	02	2	\$ 5,982	Gene Ira Esser	02	12	\$ 23,877
James J. Davitt	02	1	\$ 100,000	F. Birt Evans, Jr.	04	12	\$ 28,022
Mark D. Deinhart	08	7	\$ 709,235	James S. Falletta	11	13	\$ 780,450
Jaime V. Delio	10	2	\$ 7,310	James C. Farrington	03	1	\$ 15,560
Lawrence DeMayo	02	20	\$ 217,422	Arnold H. Fassler	11	12	\$ 111,658
Herbert B. Derman	01	1	\$ 25,900	James H. Fay	02	1	\$ 400
John L. Desmond	03	1	\$ 56,000	Charles L. Feely	01	3	\$ 256,906
Edward W. DeVerna, Jr.	10	2	\$ 1,500	Milton Feinman	01	9	\$ 520,987
Bertram S. Devorsetz	09	2	\$ 1,100	Harvey Felton	09	1	\$ 40,426
James G. deWindt	10	2	\$ 1,000	John F. Felton	01	2	\$ 7,000
Anthony P. Diamond	08	3	\$ 321,805	Willie R. Felton	07	29	\$ 134,491
Jeffrey E. Diamond	11	42	\$ 534,612	Perry V. Ferrara	10	58	\$1,645,861
Steven H. Dickman	10	7	\$ 59,339	Steven B. Fidelman	11	9	\$ 78,532
Edward W. Dietrich	05	1	\$ 36,598	Carl M. Field	10	24	\$ 173,904
Salvatore DiMisa	10	2	\$ 55,533	Lawrence F. Finley	06	1	\$ 35,000
David S. Dindial	11	1	\$ 17,500	Richard C. Fioretti	10	2	\$ 248,358
Vincent R. DiPasquale	08	6	\$ 262,277	Timothy A. Fischer	08	1	\$ 155
Robert E. Dizak	01	19	\$ 170,293	Fischer & Quaintance	08	2	\$ 110,897
Biröl John Dogan	01	6	\$ 43,673	Michael G. Flanagan	01	13	\$ 884,137

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
Thomas M. Flannery	03	1	\$ 480	S. Simpson Gray	09	9	\$ 8,928
Florien Carl Flierl	08	8	\$ 65,695	Christopher J. Green	01	1	\$ 30,000
Dan Foley	09	1	\$ 203	Milan K. Gregory	10	2	\$ 10,200
Charles A. Fontana	11	2	\$ 12,000	John N. Griggs, Jr.	01	2	\$ 350
Joseph M. Fonte	02	2	\$ 12,500	Robert S. Groban, Sr.	01	2	\$ 8,500
Seymour Forman	01	1	\$ 500	Hyath B. Gross	04	1	\$ 1,250
Harry A. Foster	01	3	\$ 40,092	Joshua Gross	04	1	\$ 400
Robert L. Fraser	07	4	\$ 16,846	Murray S. Gross	02	1	\$ 8,000
Paul I. Freedman	01	49	\$ 117,305	Stanley Gross	02	1	\$ 1,500
Andrew J. French	10	1	\$ 9,619	David B. Grossman	05	7	\$ 16,296
Mark G. Fresco	01	5	\$ 61,961	Marc E. Grossman	09	16	\$ 192,501
Sydney Friedler	10	27	\$ 365,711	Harold W. Grubart	01	3	\$ 184,335
Arthur S. Friedman	02	1	\$ 12,916	James R. Gunderman	08	8	\$ 269,978
Martin Fries	11	17	\$ 81,713	Sidney J. Guran	02	1	\$ 12,159
Alfred L. Fritz, III	08	21	\$ 86,766	John A. Gussow	02	30	\$ 522,568
Joel A. Fruchter	01	4	\$ 103,757	John A. Guzzetta	01	1	\$ 6,395
Daniel R. Fruitbine	01	1	\$ 8,750	Richard A. Gwynn, Jr.	05	8	\$ 8,239
Jerome H. Funk	09	22	\$ 12,049	Richard J. Haas	03	3	\$ 16,800
Henry G. Fury	09	9	\$ 150,341	David S. Haberman	10	1	\$ 27,798
Dumas Gabbriellini	01	1	\$ 4,950	Paul E. Haberman	01	1	\$ 300,000
Wayne K. Gabel	09	1	\$ 11,437	Robert E. Haley	01	7	\$ 100,800
Ross M. Gadye	01	1	\$ 2,360	Clifton E. Hall	11	3	\$ 16,465
Yoram Gafni	01	5	\$ 7,550	Harold A. Hall	02	1	\$ 13,300
Arthur J. Gallancy	01	1	\$ 21,500	Fred J. Halsey, Jr.	01	3	\$ 69,803
John E. Galligan, Jr.	02	3	\$ 4,827	Herbert I. Handman	01	1	\$ 16,500
William M. Gallow, Jr.	03	1	\$ 49,397	H. Roger Hantman	10	1	\$ 3,000
Frank P. Gangemi	02	39	\$3,386,308	John L. Hargrave, Sr.	08	3	\$ 44,051
Hiram S. Gans	09	2	\$ 85,000	Alan David Harris	10	5	\$ 342,033
Rudolf V. Ganz, III	09	2	\$ 31,705	Alan Jay Harris	01	1	\$ 14,081
Francis P. Garofalo	02	3	\$ 64,000	H. Hawthorne Harris	09	1	\$ 5,093
Edward M. Gasperi	04	5	\$ 8,231	Herbert Harris, Jr.	01	2	\$ 48,833
Michael S. Gawel	08	1	\$ 1,200	Leon Sol Harris	01	3	\$ 30,060
Jack O. Gaylord	08	1	\$ 12,332	Peter Andrew Harris	07	8	\$ 224,475
Aaron Gelbwaks	01	1	\$ 229,553	Morton H. Hartmann	01	3	\$ 54,576
James G. Gembarosky	08	7	\$ 15,426	Robert T. Hartmann	09	3	\$ 42,149
Glen J. Gentile	01	17	\$ 74,810	John J. Hayden	09	5	\$ 25,800
Frank P. Giaramita	02	2	\$ 7,500	Edward K. Hedberg	09	2	\$ 12,202
Anne O. Gilde	02	1	\$ 1,045	Richard T. Heelan	10	4	\$ 26,075
Thomas Eric Gill	10	6	\$ 87,500	Rene F. Hensel	07	2	\$ 23,504
James Gilmartin	01	2	\$ 3,613	Andrea B. Herbst	09	1	\$ 1,450
Joseph A. Giorgi	07	1	\$ 4,685	Alan A. Herman	01	2	\$ 91,500
Jarrett F. Glantz	01	25	\$1,789,786	Miguel A. Hernandez	02	15	\$ 290,639
Harold L. Goerlich	10	4	\$ 65,178	Eric E. Heron, Jr.	11	3	\$ 28,485
Roger J. Gofton	09	2	\$ 182,800	Bruce H. Hest	01	2	\$ 59,875
Fred Gold	11	3	\$ 113,250	Alfred L. Hetzelt, Jr.	08	1	\$ 100,000
Henry S. Goldman	09	9	\$ 224,823	John Higginbotham	01	2	\$ 5,000
Michael L. Goldman	01	1	\$ 43,000	Leo N. Hirsch	01	2	\$ 27,083
Barry E. Goldrod	01	1	\$ 51,357	Michael Hirsch	10	2	\$ 53,127
Charles H. Goldstein	10	1	\$ 43,000	Ralph Hochstein	01	1	\$ 1,000
Alan R. Golkin	08	5	\$ 269,624	Robert I. Hodes	01	2	\$ 20,605
Oscar Gonzales-Suarez	01	1	\$ 5,000	Walter Hofer	01	8	\$ 85,880
Michael W. Goodman	11	4	\$ 220,055	Frank Hoffey	01	1	\$ 4,500
Robert M. Gordon	01	6	\$ 29,870	Douglas R. Hoffmann	10	7	\$ 62,125
William S. Gordon	08	1	\$ 300,000	William J. Holden	09	12	\$ 436,677
John P. Gorman	09	2	\$ 36,000	Campbell M. Holder	01	5	\$ 687,361
Jack Gottlieb	02	8	\$ 74,576	A. Robert Holman, III	10	458	\$ 203,958
Lora C. Graham	09	2	\$ 1,655	Antoinette Holmes	12	19	\$ 664,171
Gary W. Gramer	10	1	\$ 1,700	Harold Holtman	10	27	\$ 346,506
Barry J. Grandeau	09	377	\$ 564,211	Robert Kent Holtsberry	05	1	\$ 2,178

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
Roy C. Hopkins	07	1	\$ 25,000	Leslie S. Kohn	01	1	\$ 5,000
Charles S. Horgan	01	1	\$ 2,500	Roger W. Kohn	09	1	\$ 255
Valentine N. Horoshko	01	2	\$ 15,000	Richard Kops	10	14	\$ 637,470
Donald G. Houghton	07	3	\$ 75,000	Timothy Kozyra	08	2	\$ 8,231
Richard A. Howard	09	3	\$ 2,575	Howard Krantz	01	1	\$ 23,500
Ralph F. Howe	08	1	\$ 7,313	Harvey H. Krat	01	3	\$ 68,525
Edward L. Howlette	10	1	\$ 3,700	Robert B. Kress	11	2	\$ 63,700
Raymond K. Hsu	01	6	\$ 24,850	M. Thomas Kuriakose	09	1	\$ 500
Rick T. Hubbard	10	8	\$ 36,550	Irving Kurtz	01	5	\$ 154,842
John A. Huber	10	4	\$ 30,500	Larry J. Kushner	01	2	\$ 21,678
Thomas P. Hughes	04	2	\$ 10,914	A. James LaBue	07	6	\$ 298,928
Elissa L. Insler	12	1	\$ 21,551	Michael S. LaBush	09	2	\$ 3,250
William C. Israel	01	5	\$ 100,983	Jefferson T. Lalik	07	8	\$ 3,805
Hesper A. Jackson, Jr.	02	6	\$ 167,995	LaLoggia & Gorankoff	07	20	\$ 738,744
Mark L. Jacobs	10	1	\$ 400	Bernard H. LaLone, Jr.	03	1	\$ 22,210
Saul Jakubowitz	01	6	\$ 24,718	Robert A. Lamar	10	20	\$ 597,507
David R. Jampol	10	1	\$ 1,000	Donald F. Lamutis	07	3	\$ 8,325
Robert E. Johnson	02	1	\$ 38,000	Erick F. Larsen	10	1	\$ 23,517
Robert P. Johnson	08	1	\$ 4,200	George E. Lasch	10	1	\$ 1,500
Wayne A. Johnson	06	4	\$ 28,566	William J. Lazaroni	01	6	\$ 52,967
D. Sanford Jorgensen	01	4	\$ 55,283	Eric N. Lazarus	10	28	\$ 583,407
Leonard Kabat	10	1	\$ 5,000	John Q. LeCain	04	1	\$ 25,000
Gerald A. Kagan	01	2	\$ 1,600	Thomas P. Leckinger	07	7	\$ 87,180
William H. Kain	10	15	\$ 145,722	Chak Yin Lee	01	12	\$ 839,340
Gerald Kaiser	01	34	\$ 36,365	Gerald J. Leibowitz	10	8	\$ 229,992
James D. Kakoullis	01	1	\$ 1,000	Lawrence B. Lennon	04	4	\$ 87,665
John C. Kanaley	05	3	\$ 55,000	Marc R. Leventhal	01	1	\$ 35,000
Julian Kaplan	10	1	\$ 46,167	Richard L. Levine	05	1	\$ 10,000
Stanton Karnbad	09	3	\$ 38,500	Scott C. Levy	01	24	\$ 155,482
Morris M. Karp	01	2	\$ 5,618	Murray F. Lewis	06	1	\$ 3,589
Kastein & Kastein	10	5	\$ 381,764	Jay Robert Lichtman	02	2	\$ 3,200
Thomas Katsaros	02	3	\$ 84,500	Daniel S. Lieberman	01	1	\$ 4,290
John Katsigianis	10	1	\$ 27,266	Lawrence Lieberman	02	4	\$ 35,536
Harold W. Katz	04	3	\$ 57,000	Kenneth Linn	01	1	\$ 25,850
Howard C. Katz	09	63	\$ 304,445	Michael S. Linn	09	14	\$ 418,858
Peter L. Katz	09	10	\$ 16,190	Clifford N. Lipscomb	11	8	\$ 11,480
Reuben A. Katz	01	1	\$ 93,072	William F. Lisnerski	08	1	\$ 600
Stephen C. Kavanaugh	10	3	\$ 6,041	David W. Little	04	8	\$ 343,892
William S. Kaye	01	1	\$ 5,000	Vincent J. LoCurto	10	1	\$ 9,797
Paul E. Keith	02	3	\$ 23,843	Werner Lomker	07	2	\$ 38,564
Eric R. Kellerman	09	27	\$ 840,479	John C. Lopes	10	2	\$ 2,550
Donald E. Kelly	01	2	\$ 85,656	John G. LoPresto	11	1	\$ 299,894
Lawrence V. Kelly	01	1	\$ 65,975	Samuel Lorenzo	01	92	\$ 43,125
Robert E. Kelly	07	20	\$ 12,070	Ronald B. Losner	02	16	\$ 41,694
Deborah R. Kenneally	03	2	\$ 3,250	Harold E. Lovette	01	1	\$ 27,500
Bernard Kenny	01	8	\$ 138,269	David B. Lubash	11	39	\$ 471,203
John P. Kilminster	10	6	\$ 17,950	Jonathan W. Lubell	01	2	\$ 9,450
John J. Kim	01	1	\$ 19,500	Gary Lucas	06	2	\$ 17,603
Wayne W. Kim	01	5	\$ 31,705	Thomas J. Lukas	11	1	\$ 28,000
Garry King	08	2	\$ 1,025	Joseph F. Lynch	06	1	\$ 3,736
Harold L. King	01	1	\$ 600	Thomas N. Lyons	10	2	\$ 2,640
Matthew A. King	04	3	\$ 3,000	Robert A. Mackasek	01	20	\$ 370,043
William A. Kirschner	01	1	\$ 300,000	Robert D. MacLachlan, Jr.	10	8	\$ 11,250
Paul H. Kirwin	10	1	\$ 58,000	Fortune S. Macri	09	1	\$ 25,000
Rudolph M. Klenosky	02	1	\$ 45,000	Lee M. Mager	12	2	\$ 61,415
A. O'Neill Kline	08	3	\$ 72,100	Anthony M. Magnotti	02	16	\$ 105,252
William J. Kluender	11	18	\$ 232,257	John R. Maguire	10	1	\$ 1,000
Kenneth Knigin	09	1	\$ 117,069	Jenny M. Maiolo	11	27	\$ 555,808
David C. Kobrin	09	2	\$ 23,148	Michael M. Maloney	01	1	\$ 42,040

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
Bruce C. Mandia	09	1	\$ 5,000	Eugene J. Murphy	08	21	\$ 583,870
Frank M. Manfredi	10	5	\$ 27,076	Morrow D. Mushkin	02	2	\$ 10,200
Lloyd J. Manning	11	1	\$ 500	Joseph F. Muto	05	1	\$ 1,100
Robert Y. Manske	07	1	\$ 12,066	Willard H. Myers, III	07	2	\$ 1,700
Marion S. Marable	11	2	\$ 7,400	Toritsefe O. Nanna	01	12	\$ 34,800
Richard P. Maracina	01	8	\$ 20,205	Bart L. Nason	01	1	\$ 39,073
Marvin Margolis	01	1	\$ 40,000	Eugene V. Natale	10	9	\$ 245,845
Samuel Marino	08	2	\$ 2,800	Nath & Weiss	10	1	\$ 100,000
Irving Markowitz	01	7	\$ 261,328	Richard F. Nelson	10	10	\$ 70,361
Hubert L. Marshall	02	1	\$ 2,500	Pat Frank Nesci	10	11	\$ 359,974
George T. Martin	06	1	\$ 500	Matthew J. Neuren	09	2	\$ 347,462
Nancy A. Maruk	07	3	\$ 3,370	Kenneth A. Newman	10	6	\$ 29,054
C. Vernon Mason	01	5	\$ 32,600	Marvin A. Newman	09	1	\$ 26,924
William J. Mastine, Jr.	05	2	\$ 17,220	Robert C. Newman	08	1	\$ 9,500
Charles M. Mattingly, Jr.	10	3	\$ 132,500	John G. Nicholas	11	2	\$ 57,500
Martin J. Mayblum	11	3	\$ 13,750	Peter B. Nickles	09	2	\$ 122,623
Philip A. McBride	08	1	\$ 5,958	Thomas C. Nicotera	03	1	\$ 275
Teague W. McCarthy	10	12	\$ 413,169	Michael B. Nitsberg	10	3	\$ 34,450
Shannon D. McClam	11	3	\$ 14,000	William J. Noland	01	1	\$ 3,600
Denis J. McClure	09	2	\$ 5,155	James M. O'Brien	02	3	\$ 124,892
James F. McCool	09	15	\$ 865,522	Thomas P. O'Callaghan	09	1	\$ 3,200
Sharyn L. McDonald	07	3	\$ 73,992	Charles O'Donnell, Jr.	09	1	\$ 2,000
James J. McEnroe	01	6	\$ 3,000	James M. O'Neill	10	6	\$ 18,000
Lloyd A. McFarlane	11	1	\$ 5,000	Lynn D. O'Neill	02	3	\$ 20,770
Thomas J. McGinn	03	1	\$ 180,000	Mark S. Ogden	07	1	\$ 8,869
Michael S. McGrady	03	10	\$ 339,944	Michele Okin	09	28	\$ 107,776
Dennis J. McLaughlin	01	5	\$ 46,804	Frank Oliva	11	5	\$ 36,652
Richard M. McMahan	09	2	\$ 8,973	Joseph E. Orsini	08	3	\$ 31,887
John J. McManus, Jr.	02	2	\$ 200,000	Osserman & Horwitz	01	6	\$ 774,503
Joseph T. McMaster	02	4	\$ 168,093	Sheldon Ostro	01	9	\$ 359,000
Dominic M. Mello	02	2	\$ 8,167	Roderick E. Owens	01	2	\$ 21,533
Richard M. Messina	01	3	\$ 169,049	Victor N. Pacor	09	9	\$ 164,357
William A. Metz	09	3	\$ 115,497	Blase P. Palumbo	08	1	\$ 4,000
Stanley M. Meyer	10	1	\$ 1,830	Rafael M. Pantoja, Jr.	01	20	\$ 212,335
James J. Michalek	08	21	\$ 181,361	John F. Papsidero	08	1	\$ 17,339
Charles O. Milham	03	4	\$ 17,541	Mary Murphy Pardoe	10	15	\$ 85,436
Alan M. Miller	10	1	\$ 2,319	Richard J. Pariser	08	3	\$ 7,053
Bruce J. Miller	10	2	\$ 41,858	Alfred J. Parisi	11	16	\$ 555,591
John R. Miller	09	1	\$ 2,234	E. Paige Parsons	04	1	\$ 200
Shelley D. Miller	02	1	\$ 196,457	Nicholas J. Pastushan	05	1	\$ 138,500
Nicholas A. Mina	01	1	\$ 19,500	George Patsis	10	2	\$ 115,798
Carl N. Mione	02	3	\$ 830,750	Edward S. Patterson	09	2	\$ 15,286
Stephen A. Mishkin	09	55	\$1,318,823	George F. Pavarini	09	15	\$ 543,165
John E. Modjeska	03	7	\$ 34,356	Robert J. Pellicane	10	7	\$ 174,769
Richard T. Monahan	10	2	\$ 4,500	Kenneth S. Pelsinger	01	2	\$ 14,349
Colin A. Moore	01	4	\$ 6,500	Carlos Perez-Olivo	12	1	\$ 10,000
Davison F. Moore	09	6	\$ 491,971	Michael M. Perlman	10	8	\$ 294,913
Paul A. Moore	09	2	\$ 2,146	David Ian Pesner	09	11	\$ 136,291
Teddy I. Moore	11	1	\$ 5,500	Jacob & David Ian Pesner	09	1	\$ 25,000
Richard M. Moran	03	22	\$ 412,600	Dennis J. Peterson	02	1	\$ 2,391
Thomas D. Morath	12	2	\$ 14,755	Richard T. Petty	01	3	\$ 90,664
Lawrence D. Moringiello	02	5	\$ 171,249	Stephen A. Phillips	04	1	\$ 60,000
Alan D. Morris	10	15	\$ 221,560	John Piastra	11	2	\$ 200,000
Charles E. Morrison	01	1	\$ 4,000	Louis N. Picciano	06	2	\$ 5,296
Marvin R. Morrison	10	1	\$ 15,000	Richard Pikna	01	9	\$ 101,278
Saul D. Moshenberg	07	5	\$ 20,749	George A. Pins	01	4	\$ 15,779
Lawrence J. Mullan	10	1	\$ 395	John L. Pitula	01	1	\$ 90,000
David Van Muraskin	01	2	\$ 286,333	John B. Poersch	04	2	\$ 114,161
James R. Murdock, Jr.	04	19	\$ 638,152	J. Stanton Pohl	10	4	\$ 89,779

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
Jonathan Pollack	10	2	\$ 13,762	Michael G. Rose	10	40	\$1,279,588
Sam Polur	12	1	\$ 500	Peter Rose	11	11	\$ 143,309
Edward J. Porcelli	12	4	\$ 21,580	Rose & Karnbad	11	1	\$ 17,000
Ira Postel	01	3	\$ 38,515	Jay W. Rosen	10	68	\$4,407,323
Postel and Rosenberg	01	11	\$ 619,722	Norman K. Rosen	01	1	\$ 196,424
John V. Potter, Jr.	10	1	\$ 98,000	Ruth F. Rosenberg	05	3	\$ 7,100
Gerald A. Powell	10	1	\$ 5,000	Steven Rosenbluth	02	26	\$ 394,102
Charles M. Powell, Jr.	01	9	\$ 68,700	Richard J. Rosenthal	01	1	\$ 4,374
Bryan E. Powers	10	2	\$ 3,500	Selig A. Rosenzweig	10	3	\$ 64,569
Mary Powers	01	1	\$ 89,857	Phillip M. Rossbach	10	1	\$ 659
William J. Powers, III	05	7	\$ 14,662	Abraham Rostoker	02	1	\$ 17,500
Paul D. Powsner	01	3	\$ 210,000	Donald R. Roth, Jr.	09	1	\$ 6,000
Stanley Pressment	01	1	\$ 6,960	Steven G. Rothenberg	03	1	\$ 4,443
Cynthia Lynn Price	02	1	\$ 81,623	Stephen Rothfeld	10	1	\$ 5,000
Wayne J. Price	02	17	\$ 359,726	Mitchell A. Rothken	01	46	\$2,562,907
Michael Prieto	01	1	\$ 15,215	Arthur J. Rouse	09	1	\$ 11,435
Martin C. Prinner	09	2	\$ 65,293	Leonard H. Rubin	01	1	\$ 83,000
Mark S. Probert	10	6	\$ 2,900	Michael B. Rudin	07	1	\$ 300,000
Anthony P. Quinn	11	2	\$ 147,521	James M. Russell	03	4	\$ 765,407
Donna M. Quinn	03	1	\$ 10,000	Glenn L. Rutledge	11	1	\$ 5,000
John J. Raia	11	100	\$3,268,398	David Sabghir	02	1	\$ 14,000
William C. Raines	01	3	\$ 17,512	Carol A. Safier	01	5	\$ 117,950
Silverio A. Ramirez	01	1	\$ 14,612	Steven L. Salpeter	11	7	\$ 12,019
Steven P. Rapoport	02	2	\$ 23,836	Ronald M. Salzer	01	4	\$ 53,750
Stephen P. Rathjen	10	3	\$ 33,430	Roger G. Sam	12	1	\$ 2,500
Leo Raychuk	02	1	\$ 2,000	Kenroy E. Samuel	12	3	\$ 81,993
Edward W. Reckdenwald	10	5	\$ 98,193	George Sandberg	10	10	\$ 227,146
John D. Reddan	01	1	\$ 2,500	Ira Jay Sands	01	6	\$ 7,917
Alban J. Reichert	07	1	\$ 3,425	Richard J. Sanna	10	10	\$ 248,285
Steven Paul Reifman	01	1	\$ 10,000	Richard D. Savitsky	01	2	\$ 47,558
Paul G. Reilly, Jr.	01	2	\$ 39,500	Richard A. Sbeglia	01	6	\$1,118,677
R. Stephen Reilly	03	2	\$ 900	Michael D. Scavella	04	1	\$ 2,000
Gary M. Reing	12	2	\$ 23,446	Stanley D. Scharf	10	16	\$ 89,719
Herschel L. Reingold	08	1	\$ 4,344	Nelson K. Scherer	10	1	\$ 2,348
Agostinho Dias Reis	01	1	\$ 3,712	John C. Schettino	10	1	\$ 4,000
Erich H. Reisch	02	1	\$ 27,692	David Schick	01	7	\$ 549,116
Willem J. R Emmelink	01	3	\$ 127,875	Robert L. Schlesinger	03	3	\$ 3,068
Kristina M. Rende	12	1	\$ 58,966	Michael J. Schlusell	10	3	\$ 214,665
James R. Rerisi	10	4	\$ 57,146	Peter G. Schmidt	01	3	\$ 400,000
James A. Resti	05	6	\$ 84,324	Richard C. Schulz	10	1	\$ 24,035
Luis E. Reyes	02	1	\$ 1,000	Robert Schutrum, Jr.	08	1	\$ 1,500
Malcolm Richard	11	3	\$ 18,500	Jeffrey M. Schwartz	10	36	\$ 575,250
Angelo A. Rinaldi	05	6	\$ 8,375	Melvyn Schwartz	01	2	\$ 459,972
John Rivera	12	1	\$ 1,707	Steven M. Schwartz	09	2	\$ 3,500
Jose A. Rivera	02	7	\$ 89,166	Schwartz & Gutstein	01	6	\$ 250,501
Robert Rivers	10	7	\$ 197,000	Joel E. Schweitzer	08	6	\$ 46,294
Stephen R. Roach	09	3	\$ 23,400	Joseph F. Scirto, Jr.	08	10	\$ 106,962
Samuel W. Roberts	03	1	\$ 149,584	Harry W. Scott, Jr.	02	1	\$ 200
Susan E. Rodems	03	2	\$ 10,650	Paul A. Seader	01	2	\$ 435,000
Edward John Roder	07	15	\$ 168,505	Bernard M. Seeman	10	1	\$ 50,000
Patrick L. Rodgers	10	1	\$ 500	Jeffrey P. Segal	10	4	\$ 505,524
George Rodriguez	12	4	\$ 1,865	Arthur J. Selkin	09	11	\$ 107,300
Jaime C. Rodriguez	11	6	\$ 96,800	Bernard L. Seltzer	10	11	\$ 94,609
Richard Rodwin	01	3	\$ 552,750	Ralph Serpico	11	3	\$ 176,191
Louis M. Rohrberg	01	1	\$ 5,325	Barry R. Shapiro	01	16	\$ 3,065
Sy L. Rolnick	02	1	\$ 25,500	Michael Shapiro	01	1	\$ 58,231
Steven J. Romer	01	14	\$1,076,657	Phillip E. Shapiro	01	1	\$ 700
Bibiano Rosa	01	3	\$ 95,265	Eden Shaw	01	1	\$ 12,500
Alton N.G. Rose	11	1	\$ 5,333	Brian A. Sheridan	01	1	\$ 785

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount	Name	JD	#	Amount
John M. Sheridan	07	6	\$ 371,500	Sergio M. Taub	11	49	\$ 326,401
Richard M. Sherman	10	25	\$ 97,623	Louis Taubenblat	02	9	\$ 718,854
Robert J. Sherman	10	7	\$ 15,159	Sharon Lynch Taureck	02	5	\$ 40,966
Jon D. Sherry	02	3	\$ 46,000	Peter P. Tavalacci	09	1	\$ 2,400
Alan J. Shimel	10	2	\$ 26,666	Timothy Taylor	01	1	\$ 19,000
Robert G. Short	09	1	\$ 800	Theodore E. Teah	12	1	\$ 13,373
Robert A. Shuster	10	1	\$ 32,925	Norman Eric Teitler	11	2	\$ 14,414
Anis A. Siddiqi	02	4	\$ 75,614	Ron Telford	06	1	\$ 1,100
Matthew A. Siegel	09	2	\$ 14,147	Milton A. Teplin	01	3	\$ 26,000
Stephen D. Siegfried	10	20	\$1,015,719	Charles R. Testa	07	2	\$ 2,850
Oswald B. Silvera	02	7	\$ 16,125	Michael B. Thomas	09	1	\$ 600
Mark A. Silverman	10	2	\$ 2,169	Alan S. Tifford	10	14	\$ 291,016
William Sims	08	2	\$ 8,037	Robert S. Tobin	01	2	\$ 16,320
William Simms	02	2	\$ 9,500	Thomas P. Tobin	10	4	\$ 184,450
Valerie T. Simuro	02	9	\$1,475,763	Joseph A. Tracy	09	4	\$ 131,676
Barry H. Singer	09	9	\$ 235,034	Joseph J. Tringali, Jr.	09	5	\$ 43,487
Mitchell L. Singer	01	7	\$ 129,000	Kathleen K. Trum	10	3	\$ 50,926
Baljit Singh	01	1	\$ 150	Joseph R. Turner	01	4	\$ 41,572
Indar Singh	11	16	\$ 156,237	Robert E. Twiste	02	13	\$ 213,179
Ronald A. Sipos	08	2	\$ 106,730	James W. Ulaszewski	08	2	\$ 1,048
Myron W. Siskin	10	1	\$ 13,436	Meric A. Underweiser	10	18	\$ 125,339
Allan Sloan	01	6	\$ 108,601	Girard M. Ursitti	08	5	\$ 76,957
Joseph D. Sloboda	10	2	\$ 5,458	Norman Ushkow	02	1	\$ 1,575
Ronald J. Slocum	06	1	\$ 650	Dawn M. Varsalona	02	4	\$ 3,720
Peter W. Sluys	09	6	\$ 113,856	William C. Vaughan	08	1	\$ 100,000
Kendrick C. Smith	01	1	\$ 3,675	Erik Veski	01	1	\$ 222,964
Ormond N. Smith	02	6	\$ 77,480	Tom M. Vetrano	02	4	\$ 30,056
Benjamin Sneed	01	4	\$ 24,833	Lillian R. Villanova	09	3	\$ 109,636
John J. Sobolewski	10	1	\$ 90,500	Louis V. Viscomi	01	3	\$ 31,500
Jack B. Solerwitz	10	99	\$3,008,734	Frank Vitulli	02	1	\$ 12,000
Joseph F. Soviero, Jr.	10	1	\$ 5,000	Arnold P. Wagner	10	4	\$ 72,900
Michael T. Spallino	01	2	\$ 8,800	H. Robert Wall	06	46	\$ 912,929
Jacob Spatz	03	3	\$ 3,245	Wallman & Wechsler	01	41	\$1,858,579
Jerome L. Spiegelman	01	48	\$ 889,719	Mortimer Warfman	01	34	\$ 16,236
Jerome Spies	10	2	\$ 126,754	Paul J. Warkow	10	1	\$ 1,000
Lionel Spring	01	1	\$ 83,311	Patrick T. Wedlock	05	8	\$ 4,910
Howard R. Staller	01	1	\$ 8,000	Richard B. Weil	01	1	\$ 48,737
Ferne Mayer Steckler	10	3	\$ 10,500	Jonathan A. Weinstein	11	2	\$ 4,250
Alexander B. Stein	01	2	\$ 31,450	Martin J. Weinstein	02	1	\$ 25,000
Elliot J. Stein	01	74	\$ 762,109	Myles N. Weintraub	10	7	\$ 123,623
Joel B. Steinberg	01	1	\$ 1,400	Michael S. Weiss	09	3	\$ 2,325
Duane M. Stenstrom, Jr.	08	6	\$ 6,674	Peter R. Weiss	02	1	\$ 15,000
Jeffrey S. Stern	02	10	\$ 244,077	C. Theodore Wellington	11	6	\$ 193,815
Stanley R. Stern	01	5	\$ 325,676	David R. Wendt	08	11	\$ 141,956
Joseph Sternschein	11	4	\$ 75,715	Allen P. Werbalowsky	03	1	\$ 4,250
Frederick D. Stevens	08	1	\$ 4,185	Leslie M. Westreich	01	1	\$ 100,000
Conrad J. Strabone	11	2	\$ 5,400	Benjamin P. Whitaker	07	15	\$ 603,251
John C. Stuck, Jr.	07	15	\$ 507,353	D. William White	02	15	\$ 171,308
Wallace Sturm	02	1	\$ 1,500	Jonathan E. White	03	6	\$ 13,769
John J. Sullivan	01	1	\$ 29,990	Marina K. Whitfield	06	1	\$ 34,776
Joseph E. Supples	08	3	\$ 9,150	Beaufort N. Willbern	08	2	\$ 69,470
Leonard A. Sussman	01	3	\$ 44,438	Aaron G. Windheim	09	1	\$ 11,547
Monroe Sussman	10	1	\$ 46,667	Steven Winston	01	1	\$ 9,500
Carrie Sutherland	10	2	\$ 7,670	Samuel Ulrich Wiseman	01	2	\$ 38,280
Morton S. Swirsky	01	6	\$ 62,610	Gerard A. Wisla	11	10	\$ 142,350
Israel I. Sylvan	01	3	\$ 22,253	Steven D. Wisniewski	08	16	\$ 7,805
Alan J. Taliuaga	02	2	\$ 3,500	Walter S. Wojcik	03	1	\$ 250
Samuel Tannenbaum	09	1	\$ 300,000	Michael T. Wolin	01	1	\$ 25,035
Regina M. Tate	10	3	\$ 6,890	Marvin Wolinetz	02	1	\$ 350

Lawyers Involved In Dishonest Conduct And Amounts Awarded To Their Clients Since 1982

Name	JD	#	Amount
George Wolynetz	01	3	\$ 244,703
William S. Wood	07	4	\$ 49,065
John M. Wourgola	10	11	\$ 97,534
Adam Morgan Wright	01	1	\$ 500
William Wright, Jr.	01	1	\$ 46,485
Kathryn B. Wunderlich	03	1	\$ 600
Henry E. Wyman	08	33	\$ 496,811
Louis B. Youmans	01	1	\$ 5,000
Floyd A. Young	08	1	\$ 10,000
Nancy J. Young	01	9	\$ 124,809
Francis A. Zarro	01	1	\$ 300,000
Richard Zelma	01	1	\$ 115,000
Frederick J. Ziems	10	2	\$ 105,368
Jacob S. Zimmerman	10	27	\$ 355,991
Victor P. Zodda	10	2	\$ 282,225
Peter S. Zogby	05	1	\$ 1,535
H. Michael Zukowski	01	1	\$ 8,000
Bertram Zweibon	01	14	\$ 564,282

“On behalf of my mother and myself, we would like to express our gratitude and sincerest appreciation in the recovery of our funds. Many thanks again for the incredible work done by your office.”

Message from a Claimant, 2006.

“...I can’t tell you how much you...have done for the Estate of my father. I don’t know how many more people are in the same boat that I was but God bless you!”

Message from a Claimant, 2006.

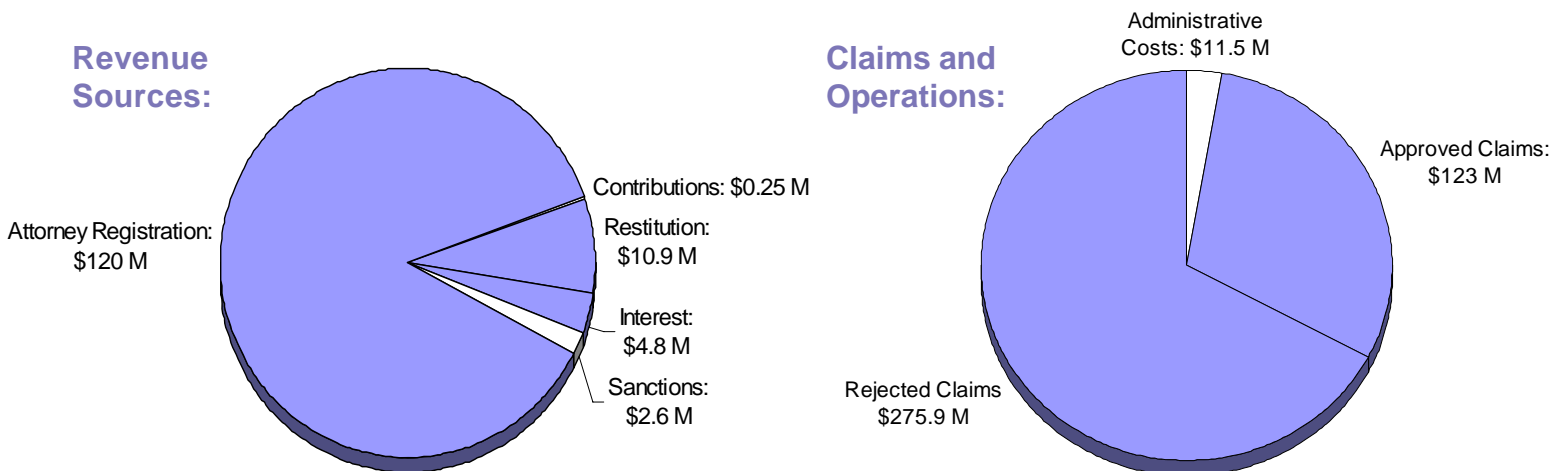
Revenue of the Lawyers’ Fund

The Fund’s principal source of revenue is the biennial attorney registration fee required of every practicing attorney in New York State. Section 468-a of the Judiciary Law allots \$60 of each \$350 registration fee to the Lawyers’ Fund. Since April 1, 1993, additional revenue from the biennial registration fee has been made available to the Lawyers’ Fund.

The Lawyers’ Fund does not receive any tax dollars. The Fund also does not receive any revenue from the Interest on Lawyer Account (IOLA) program.

Other sources of revenue for the Fund include restitution, interest, sanctions and contributions. Since 1982, the Fund has received \$120 million from attorney registration fees; \$10.9 million in restitution; \$4.8 million in interest income; \$2.6 million in judicial sanction revenue; and \$251,000 in contributions from lawyers and the public. The Fund’s revenues are annually appropriated to the Board of Trustees by the State Legislature as one component of the Judiciary Budget.

The Fund’s Finances Since 1982



“I’d like to express my deepest gratitude for your remarkable work.”

Message from a Claimant 2006



Attorney Grievance & Disciplinary Committees

Manhattan & Bronx - (212) 401-0800
Brooklyn, Staten Island, Queens - (718) 923-6300
Nassau & Suffolk - (631) 231-3775
Westchester area - (914) 949-4540
Albany area - (518) 474-8816
Syracuse area - (315) 471-1835
Rochester area - (585) 530-3180
Buffalo area - (716) 845-3630

NYS Office of Court Administration

Lawyer Licensing Information
(212) 428-2000

NYS Lawyer Assistance Trust

(518) 285-4545

NYS Department of Law (Attorney General) Consumer Frauds & Protection Bureau

1-800-771-7755

Lawyer Referral Services

Contact your local county or city bar association, or call the New York State Bar Association in Albany at 1-800-342-3661.

Fee Disputes

Contact your local county or city bar association for information about mediation and fee arbitration programs.

“While the experience with (my former lawyer) turned out to be a horrendous experience, I do appreciate the efforts of your organization and individuals such as yourself who understand and act to support the oath that lawyers take to protect the interests of the public and clients.”

Message from a Claimant, 2005.

Notes